Border Capitalism, Disrupted

PRECARITY AND STRUGGLE IN A SOUTHEAST ASIAN INDUSTRIAL ZONE

Stephen Campbell

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Precarity and Struggle in a Southeast Asian Industrial Zone

Stephen Campbell

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Abbreviations

ABSDF	All Burma Students' Democratic Front
ADB	Asian Development Bank
ADRA	Adventist Development and Relief Association
CBO	community-based organization
CPT	Communist Party of Thailand
EPZ	export processing zone
FTI	Federation of Thai Industries
IOM	International Organization for Migration
IRC	International Rescue Committee
JACBA	Joint Action Committee for Burmese Affairs
KNLA	Karen National Liberation Army
KNU	Karen National Union
LPA	Labor Protection Act (1998)
LPO	Labor Protection Office
LRA	Labor Relations Act (1975)
MoU	Memorandum of Understanding

MRPWG	Migrant Rights Promotion Working Group
NCPO	National Council for Peace and Order
NGO	nongovernmental organization
OBA	Overseas Burma Association
SBEZ	Special Border Economic Zone
SEZ	Special Economic Zone

Map 1. Thailand, the Thai-Myanmar border, and the Mae Sot industrial zone.

Border Capitalism, Disrupted

Introduction

Through to the back of the cremation grounds where the fields of sugarcane begin, Ko Soe and I coast our bicycles to a stop. It is mid-December, and the sugarcane stocks are tall now, taller than us. Somewhere amid these fields Myanmar migrant workers from the nearby Apex garment factory are hiding. We know this because Ko Soe had only minutes ago been talking with one of them by phone, but then the connection had died; presumably this worker's phone had run out of power. So now we dismount and look around for an entrance into the fields. The sugarcane is far too dense to walk through, even if we were to leave our bicycles behind. Uncertain how to proceed, we soon spot a man standing, looking at us from the edge of the fields where some car tracks come to an end. Ko Soe calls out and, as we approach, explains to the man that he, too, had worked at Apex, having quit only a few months prior. "We've come to see the workers' situation," he adds.

The man, whom we now see to be in his early twenties, leads us down a narrow path walled by stocks of sugarcane. When the trail reaches a small stream, we lift our bicycles and carry them along the watercourse until, as

directed by our guide, we lay them aside and jump across the brook to an isolated patch of banana trees. It is here that we begin seeing the migrants, bunched together with their baskets of food and clothing, standing, idling, chatting with each other, and reclining on woven mats laid out on the ground. Some of the men are smoking. Others chew quids of betel. A few young children are milling about, and I even spot a couple of babies being held. To my left a young women lies on her back reading a Burmese romance novel. An older woman, speaking by phone to a migrant friend elsewhere, laughs as she explains her predicament. Someone else brings out a tin of biscuits and passes it around to share. The migrants waiting here smile and greet us, thanking us for coming.

There are, perhaps, about fifty migrants here—mostly women—crowding out small patches of open ground among the banana trees. Although Apex had, I was told, employed upwards of three hundred workers only a few years earlier, the workforce seriously declined when large groups quit in a series of disputes over unpaid wages; others left following the recent closure of the factory's weaving department. Hence, the migrants hiding here are all that are left, among whom are a handful I know from my previous visits to the factory.

In response to our enquiries about their situation, the migrants tell us that they fled into the sugarcane field this morning while it was still dark, taking with them supplies of rice, boiled eggs, pickled tea, and packaged snacks they had prepared the night before. Initially, they say, the Apex factory owner, who is based in Bangkok, had given instructions that the workers were not to stop production despite news of impending raids. At the last minute, however, the personnel manager got cold feet and told the workers they should temporarily hide out in the nearby sugarcane fields because neither he nor the owner could guarantee their security. The migrants we are speaking with ask us, in turn, what we know of the raids elsewhere, and they name a factory nearby where they have heard the police who came up yesterday from Bangkok have already arrested the workers.

Today is December 15, 2012, one day after the deadline for undocumented migrants in Thailand to register for temporary passports and work permits, thereby escaping their status of illegality. Like the vast majority of the more than 200,000 Myanmar migrants in Mae Sot, in northwest Thailand's Tak Province, those hiding here amid the sugarcane lack documentation for legal residence and work in Thailand. And like most everyone

Figure 1. Myanmar migrants hide among sugarcane stalks and banana trees to avoid a police raid in December 2012. Author's photograph.

else in Mae Sot's migrant community, they knew the registration deadline was approaching; billboards had been put up, and loudspeaker-toting pickup trucks had toured the town, announcing in both Burmese and Thai that those not registered by December 14 would face up to five years in prison, with fines up to 50,000 baht (just over $US1,600). Government officials in Bangkok had further announced that over one million undocumented migrants would be deported.[1] At other factories in Mae Sot, workers had fled across the nearby border to Buddhist monasteries in the Myanmar town of Myawaddy to wait until the Bangkok police departed. Everyone seemed to know it would only last a few days; this was not the first registration deadline to pass, nor was it the first time raids had been conducted in Mae Sot.

Although most Mae Sot migrants knew in advance of the registration deadline, only a small minority had actually applied for passports and work permits. For the majority, the cost of obtaining these documents through any of the area's many private passport companies was prohibitive—more

than they could save in a year. While it was possible for employers to advance the money to cover the cost, this was not a common practice in Mae Sot. Most factories, such as Apex, simply avoided immigration hassles and potential raids by paying off the local police with monthly fees deducted from the wages of the undocumented migrants they employed. This was, presumably, why the Bangkok (and not Mae Sot) police had been entrusted with the task of enforcing the current registration deadline.

In the end, however, very few raids actually occurred in Mae Sot when the registration deadline passed. Out of some four to five hundred factories in the area, I heard mention of only two where such raids apparently took place. And shortly thereafter, the Thai Ministry of Labor announced a three-month extension to the registration period.[2]

Had the threats of raids, arrests, and deportations all been for show? Or had the Thai government heeded humanitarian appeals for an extension to the registration period, such as that voiced by the head of the International Labor Organization?[3] Perhaps policymakers in Bangkok had recognized that mass deportations would have severely undermined Thai industry. In any case, the migrants I met in the sugarcane field went back to work a few days later. They did not, to my knowledge, ever register for passports or work permits while employed at the Apex garment factory, despite the extension granted.

Whence the Precarious Worker?

The migrants hiding in the sugarcane field that day epitomize the precarious worker, that increasingly conspicuous figure whose proliferation is the hallmark of capitalist globalization. Born of the neoliberal shift that marked the turn of the 1980s, the contemporary precarious worker achieved her prominence as governments seeking to attract and maintain globally mobile capital while containing national debt deregulated labor markets, rolled back protective labor legislation, and cut social welfare spending. Within this sparser regulatory environment, and under the increasing uncertainty and competitive pressures of a more open global market, production firms have sought to reduce costs and offload the risks of market fluctuations onto the workers in their employ.

To these ends, such firms have shifted to more "flexible" employment practices and production strategies. David Harvey locates the expansion and

intensification of employment flexibility in a period of flexible accumulation that began during the mid-1970s and marked a shift away from the prior Fordist organization of production.[4] Under the Fordist production model, prominent (largely male) segments of the working class were provided stable, secure, and often unionized employment with relatively high wages as a means of securing their consent to a regimented and intensified industrial labor process.[5] The flexibilization of labor, by contrast, withdraws this stability of employment and this relative affluence of wages.

The Fordist production model has been most commonly associated with the industrialized North Atlantic economies of the post–World War II era. Within Thailand and other East Asian countries, however, employment arrangements in light manufacturing have similarly undergone a shift toward flexible employment and production since the 1980s. As Frederic Deyo frames it, this shift has entailed a move from (using Michael Burawoy's terms) "hegemonic regimes" to "market despotism."[6] Under the former, employers depended heavily on worker consent and cooperation to ensure production, whereas under the latter employers have increasingly relied on coercion and "the economic whip of the market."[7]

Deyo suggests that this flexibility in employment and production entails "the ability to introduce changes in product and process quickly, efficiently, and continuously."[8] In Asia's export-oriented manufacturing sectors, flexibility has, he points out, primarily involved a focus on "short-term adaptability and cost-cutting," the result of which has been "an insecure, floating workforce."[9] It is this "insecure, floating workforce" that has earned the now familiar ephithet of precarious.

In conceptualizing precarious work, I follow Leah Vosko's definition of the term as "work for remuneration characterized by uncertainty, low income, and limited social benefits and statutory entitlements."[10] In Thailand, such precarious work has expanded under an increased use of subcontracting, casualization, and contract and migrant labor, particularly following the 1997 Asian financial crisis.[11] As labor market deregulation and flexibilization have fostered increased precarity among workers, this precarity has, in turn, pressured the individuals so affected to accept lower-paid, more flexible employment arrangements.

Such broad politico-economic analysis usefully situates contemporary forms of precarious work within a context of globalized production and trade, neoliberal reforms, and the discursive hegemony of marketization.

Within this analytic milieu, arguments connecting state policies to the growing insecurity of workers have served as a consistent basis of political critique. In a recent iteration of this argument, Ching Kwan Lee and Yelizavetta Kofman draw on the case of Mae Sot to argue that precarious labor has been "an integral part of the state's strategy of development."[12]

Conceptual linkages such as those articulated by Lee and Kofman, which draw a straight causal line from neoliberal reforms to flexible management strategies to precarious work, usefully call attention to the significant role of state policies in enabling and exacerbating the insecurity of contemporary employment arrangements. Such analysis can also aid in sharpening a strategic focus for broad-based political action. Yet what are the finer empirical grains that slip between the cracks of such generalizing narratives? How, for example, are we to reconcile a variegated landscape of labor regimes with the shared policy environment of an individual country? The particularly sordid labor situation in Mae Sot, for instance, once earned this district an ignominious reference as "the cesspool of labor rights in Thailand."[13]

This concept of a "labor regime" is one that I will return to throughout this book. It therefore demands some elaboration. With minor differences in emphasis, critical scholars of labor have variously employed the terms "factory regime," "labor control regime," "labor regime," and "dormitory labor regime" to index the ways that regulatory arrangements organize and control workers at particular sites.[14] Along such lines, Henry Bernstein has defined a labor regime as the "interrelations of (segmented) labor markets and recruitment, conditions of employment and labor processes, and forms of enterprise authority and control, when they coalesce in sociologically well-defined clusters with their own discernible 'logic' and effects."[15] Rather than singular and coherent projects of rule, however, labor regimes can be usefully understood as regulatory *assemblages*. This is due to the fact that such regimes inevitably comprise overlapping and often contradictory practices and relations that are never wholly delimited within the terms of official law and policy.

In order to grasp the spatial and temporal specificity of a given labor regime, I take as a point of departure what Harvey has referred to as "labor control." By this he means a certain "mix of repression, habituation, co-optation and co-operation" that is organized both in the workplace and "throughout society at large" and serves to discipline workers for the purpose of capital accumulation.[16] The particular configuration of labor control

in a given time and place, argues Harvey, is shaped by the regime of accumulation, such as Fordism-Keynesianism or post-Fordist flexible accumulation, within which this labor control plays out. This conceptual linking of a particular form of labor control to a regime of accumulation enables broad typological analysis. There is, however, little scope left within this framework to analyze the diversity and dynamics in labor control configurations that play out within a given regime of accumulation. I thus adopt the notion of a labor regime for the purpose of analyzing regulatory arrangements that differ geographically (such as between Bangkok and Mae Sot) and temporally (such as between Mae Sot in the mid-1990s and in 2011–2013, when I conducted fieldwork for this project), even if these different contexts are all seen to operate under a similar regime of accumulation. To speak of labor regimes as regulatory arrangements plays, furthermore, on the dual meaning of the term *arrangement*, both as a particular configuration of things and as a tentative, negotiated outcome between multiple (if unequal) parties. To the extent that labor regimes under contemporary neoliberal orders exhibit geographic discrepancies within a single country, this difference demands explanation.

Analysis that situates such geographic variance at the receiving end of "zoning technologies" through which states seek to "achieve strategic goals of regulating groups in relation to market forces" can account for certain policy-related regional differences.[17] Arguing along these lines, Pitch Pongsawat writes that a legal regime of "border partial citizenship" structuring migrant labor in the Mae Sot export processing zone "was intentionally created by the state as an effective means of entitlement, control and exploitation."[18] It is due to such spatialized regulatory practices that Mae Sot can be effectively understood as an innovative site of border capitalism.

With the term *border capitalism* I am not solely referring to the fact that the Mae Sot industrial zone is located on the geopolitical border dividing Thailand and Myanmar. Rather, and more significantly, I employ the term to highlight the ways by which various state authorities and private employers have creatively employed borders as technologies of rule to regulate a spatially delimited population of migrant workers. These borders as technologies of rule include, first of all, the geopolitical border separating Thailand and Myanmar, where authorities strip (typically undocumented) migrants of various rights that are legally due to Thai citizen workers. Second, there is the internal border around Mae Sot at which police restrict

migrants' passage onward to central Thailand and in this way spatially anchor a pool of low-wage labor to the country's geopolitical frontier. Third, there are practices of social bordering by which state authorities discursively and legally construe migrant workers as a racialized other to the normative Thai citizen—an other unworthy of the concern, solidarity, and rights due to fellow Thai nationals and workers.[19] In these multiple ways, Mae Sot exemplifies the contemporary "proliferation of borders"—borders that in their multiplicity leave segmented and heterogeneous the landscape of labor regulation in any one country.[20]

Much of this bordering as technology of rule is, to be sure, bound up with state policy. Yet notions of geographically targeted state planning, however much they are attentive to the variegated landscape of labor policy, are unable to make much sense of regionally particular labor regimes that fail to achieve, move beyond, or even conflict with official state policy. How, for example, despite the government's stated aim of "regularizing" undocumented migrants in Thailand and the widespread desire among migrants for the freedom of residence and work that legal documentation promises, has the acquisition of such documentation remained the exception rather than the rule among Mae Sot's migrants? In addition, trying to grasp the vagaries of actually existing labor regimes in terms of well-laid-out state policy risks ascribing to states a singularity of agency and level of control which they simply do not have.

A Politics of Precarity

In order to move the study of precarious labor beyond a taken-for-granted congruence between formal state policy and the ways labor regimes—as regionally particular regulatory arrangements—play out on the ground, I adopt here two analytic shifts.

The first of these entails shifting our analytic lens from precarious work to the precarity of workers.[21] In situations of heightened insecurity, the precarity of flexible labor is bound up with other forms of vulnerability outside the workplace, which impact on—but cannot be reduced to—remunerative work per se. In Mae Sot, for instance, low-wage, uncertain employment has undermined migrants' capacities to save the money needed to acquire legal documentation. This lack of documentation has, in turn, constrained their

capacities to claim their legal rights while putting them at constant wariness of the ever present threat of arrest, detention, and deportation. Hence, it has been relatively easy for employers to leverage migrants' "illegal" status in order to keep wages well below the legal minimum; to put workers off work temporarily without pay when there is a drop or delay in production orders; or to fire workers without giving them the legally required severance pay.[22]

The second shift requires expanding our analytic lens to encompass a range of parties—both within and beyond the state—that are involved in shaping the regulation of labor, and thus the conditions of workers' employment. In Mae Sot this includes employers, the police, different government departments, nongovernmental organizations (NGOs), private passport companies and independent brokers, and migrants themselves—all of whom engage in quotidian disputes, negotiations, and compromises that reproduce or transform the local labor regime, albeit in highly unequal ways.

The spatial regulation of laboring populations can thus not be understood solely as an expression of coherent state policy. To better comprehend how regionally particular configurations of power shape and make possible certain forms of workers' precarity, what is needed is an analytic that situates this precarity within a web of social, economic, and political relations extending into and beyond the workplace, as variously situated actors contest, negotiate, and compromise, and thereby undermine, transform, or reinscribe the existing labor regime.

Most useful in this regard is Henri Lefebvre's conceptualization of "social space." As Lefebvre employed it, the term refers to the ways that spatial arrangements shape social relations while also being produced by those relations. Rather than being a neutral container of human activity, space is politically saturated. It serves as "a means of production [and] a means of control" that regulates and reproduces existing relations of production.[23] While state planners and capitalist interests may be hegemonic in its construction, social space, as a social product, is coproduced by multiple "classes, fractions of classes and groups representative of classes." For this reason, social space is persistently disrupted by its internal contradictions—that is, by its internal class conflicts. It is for this reason, argued Lefebvre, that "class struggle is inscribed in space."[24]

Understanding spatial formations of precarious labor in terms of (Lefebvrian) social space allows for an investigation into the situated practices and processes reproducing, reshaping or eroding the ways through which workers'

precarity becomes manifest in a given setting. In addition, by calling attention to the everyday conflicts and struggles of variously situated agents—in a word, *politics*—this analytic focus provides a starting point for addressing questions of what constitutes a politics of precarity in Asia.

In the early years of the twenty-first century, precarity emerged as a conceptual point of convergence for political action in Europe among broad swaths of occupationally insecure groups. In part, the salience of precarity as a political platform within Europe at this time was contingent on the enduring legacy of the continent's post–World War II Fordist-Keynesian welfare states, which served as a backdrop against which to contrast the increasingly insecure position of European workers.[25] In Asia, however, precarity has not emerged so prominently as an explicit platform for political action. Thus, despite the expansion of flexible labor regimes and precarious work arrangements within Asia, Dennis Arnold and Joseph Bongiovi note that "identifying 'precarious politics' in developing Asia, assuming it exists, and theorizing around it is a largely unanswered challenge."[26]

The present study offers a response to this unanswered challenge. In doing so, I call attention to a *politics of precarity* as it has developed in one particular Asian context.[27] I employ this concept of a politics of precarity in order to flag two related social processes: the first entails the everyday ways through which different actors engage with each other and, in so doing, serve to undermine, transform, or reinscribe particular precarious labor regimes; the second entails a specifically working-class politics—that is, the ways in which a particular web of social, economic, and political relations within and beyond the workplace shapes and makes possible certain forms of struggles, critiques, and moral claims among precarious workers themselves.

An analytic focus on this quotidian political life brings into view for investigation those forms of contestation taking place outside formal unionization, electioneering, and legislated policy reform.[28] Such a focus is all the more important given that, as recent evidence has made clear, labor market restructuring around the world has increasingly excluded, or weakened the influence of, registered trade unions from formal political processes, thus raising—if only relatively—the importance of alternative strategies of working-class struggle.

In one of the more prominent recent analyses of precarious labor as a global phenomenon, Guy Standing writes of the "class fragmentation" and

weakening of trade unions that resulted from the late twentieth-century restructuring of labor market governance.[29] Following the global trend of union decline, neoliberal reform and flexibilization in Southeast Asia have similarly impacted the regional organization of industrial employment. This has led in Thailand to a significant drop in union density since the start of the 1990s, with a further weakening of the representative capacities of unions following the 1997 Asian financial crisis.[30]

On one level, such analyses correctly point to an empirical reduction in union density and the loss or weakening of an institutionalized space in which unions can engage with formal state structures. However, analyses lamenting the decline of formal union density do little to explore what alternative forms of working-class organization and struggle might be growing in relevance under contemporary transformations in labor-capital relations. Such alternative forms of organization and struggle are part of what I explore in this book. My suggestion is that as previously existing working-class institutions are undermined, space opens for alternative—though not necessarily more effective—forms of organization and struggle.

The Social Production of Border Capitalism

The central contention of this book is that the Mae Sot industrial zone, as a spatialized regulatory arrangement, has shaped and made possibly certain forms of class struggle—the effects of which have disrupted and transformed the site's border capitalism. This argument contrasts with analyses that would see the regulatory arrangement of such zones as being fixed in advance by state policies—developmentalist, neoliberal, or otherwise. I therefore analyze Mae Sot as a dynamic social space—a politically charged space—whose movement is born of the site's internal contradictions. This is, moreover, a movement that persistently threatens to disrupt the site's existing social relations, whose conditions of possibility were, in part, born of antecedent class struggles.

The on-the-ground regulation of migrant labor in Mae Sot can thus not be read off of official state policies. Rather, the everyday regulation of migrants in Mae Sot remains contested at the local level, persistently reshaped, and often ambiguously understood by the migrants to whom it applies. As a designated Special Border Economic Zone, Mae Sot's spatially bounded

regulatory arrangement, proximity to the Myanmar border, and distance from central Thailand have enabled a particularly acute situation of despotism organized around the optimization of low-wage, flexible labor for the purposes of capital accumulation and border industrialization. Yet the ways in which migrants have responded to the forms of regulation they confront have forced regulatory actors—such as employers and local government officials—to adjust their regulatory practices accordingly. It is in this way that border capitalism, as both situated relations of production and a spatialized regulatory arrangement, is socially produced.

The argument I advance here is clearly inspired by the work of Lefebvre. But I draw more specifically from the *operista* (workerist, often glossed as autonomist Marxist) tradition that grew out of Italian factory workers' struggles in the 1960s. Writing in an early issue of the workerist journal *Classe Operaia*, Mario Tronti laid out a critical approach to understanding capitalist development—whether it be technological change, capital relocation, regulatory reform, or the reorganization of the labor process.[31] The particularities of capitalist development, argued Tronti, were best understood not as neutral technical innovations but as reactions to the threats to capital accumulation and managerial prerogative being posed by concrete working-class struggles. As Tronti maintained,

"We too have worked with a concept that puts capitalist development first, and workers second. This is a mistake. And now we have to turn the problem on its head, reverse the polarity, and start again from the beginning: and the beginning is the class struggle of the working class. At the level of socially developed capital, capitalist development becomes subordinated to working-class struggles; it follows behind them, and they set the pace to which the political mechanisms of capital's own reproduction must be tuned."[32]

Building on Tronti's innovations about the primacy of workers' struggles in catalyzing capitalist development, Michael Hardt and Antonio Negri have extended the argument to account for multiple cycles of restructuring: "Workers' struggles force capital to restructure; capitalist restructuring destroys the old conditions for worker organization and poses new ones; new worker revolts force capital to restructure again; and so forth."[33] It is along such workerist lines that I analyze in this book the transformations that have occurred in Mae Sot's regulatory and industrial landscape.

Taking stock, however, of workerism's achievements and shortcomings, Steve Wright has pointed out that workerist analysis (at least in its earliest

years) was limited by an often narrow focus on collective struggles at the point of production, thereby neglecting "the world beyond the factory wall."[34] How, we therefore need to ask, are the struggles of subordinate classes *outside* the workplace related to the reproduction and transformation of capitalist relations at the point of production? And further, how do such struggles affect the broader regulation of proletarian populations? To address these questions I bring into the analysis of capitalist restructuring, along with factory strikes and workforce socialization, struggles over migrants' mobility outside the workplace, and migrants' everyday evasion of—and engagement with—the police. The book's overarching narrative presents these various struggles as constitutive moments in the transformation of Mae Sot's regulatory geography, at the scale of the workplace and at the scale of the industrial zone.

It needs to be stressed at this point that labor struggles on the border have never been wholly spontaneous outbursts—automatically generated, as it were, by Mae Sot's regulatory arrangement. Rather, they have emerged out of gradual processes of migrant subjectification and class formation—what I refer to in chapter 5 as everyday recomposition—that are grounded in the relations and experiences of migrants along the border. Particular workplace struggles in Mae Sot have also typically entailed extensive deliberation and planning "behind the scenes" among the workers involved, as in the case I examine in chapter 6. For these reasons, within the circuit of regulation → struggle → new regulation, there are countless agentive moments in which individuals have intervened and influenced the process of Mae Sot's regulatory transformation.

Situating Mae Sot within the Global South

The inquiry at hand follows recent anthropological initiatives in "rethinking capitalism."[35] By this is meant, in part, the project of employing ethnography, as research method and written form, to interrogate received narratives of capitalist development—narratives that have so often taken the North Atlantic experience as definitive. Surveying, for example, the scholarly use of the terms *precarity*, *precarious labor*, and *flexibilization*, Arnold and Bongiovi point out that the analytical deployment of these concepts has been most prevalent within studies of advanced industrialized

countries—that is, countries of the Global North.[36] The consequent analytic privileging of such cases within discussions of flexible and precarious labor risks leading, in turn, to certain broad generalizations about contemporary socioeconomic change—generalizations that are not wholly transferable to much of the Global South. Among such generalizations, flexibilization and precarious work have been analytically connected to deindustrialization, working-class fragmentation, and a temporally specific movement away from a postwar Fordist-Keynesian labor-capital arrangement. We thus have Harvey, for instance, dating the emergence of flexible labor regimes to the period following the Fordist-Keynesian postwar boom of 1945 to 1973.[37] Significantly, the North Atlantic Fordist-Keynesian regulatory configuration involved a considerable expansion of industrial production and a relatively strong institutionalized position for trade unions.

Applied to Thailand and other countries of the Global South, the temporality of Harvey's account of postwar Fordist-Keynesian history makes an ill fit. Although industrial manufacturing for export has been promoted in Thailand since the 1960s, it was only in the 1980s that a clear shift in government policy moved the country away from economic dependency on agricultural production to export-oriented industrialization. In addition, aside from a brief moment in 1956–57, the establishment of trade unions has only been legal in Thailand since 1975. And the country's most notable boom years occurred in 1987–96, not 1945–73.

Harvey's model of capitalist transformation need not be read as problematic, however, so long as it is taken as global rather than universal in its claims. Insofar as Harvey's dating of the shift from Fordism to post-Fordism is understood as referring primarily to the North Atlantic experience, the different temporality of labor regime transformation in countries of the Global South can be read as a function of their different historic and geographic (initially peripheral) integration into global supply chains.[38] It was, after all, in the mid-1980s—as Euro-American firms looked abroad for low-cost, flexible workforces—that industrial production in Thailand underwent a massive expansion, with considerable foreign capital investment into the country's labor-intensive export-oriented industries—garment manufacturing being initially the most significant. This was, of course, the moment of the new international division of labor, when North Atlantic corporations—at once enticed and compelled by globalization—relocated their manufacturing operations to, or began sourcing from, newly emerging

industrial zones throughout the Global South.[39] Deploying a discourse of docile bodies and nimble fingers, industrial manufacturers at these then emerging sites of industrial production almost exclusively employed women for apparel, footwear, and electronics assembly, producing in this way feminized industrial workforces and new gendered divisions of labor.[40] In Thailand this dynamic played out in the large-scale internal migration of young women from the country's poorer northeast region to Bangkok and other central Thai provinces, where they took on factory work in various light industries—a process I consider more fully in chapter 2.[41]

That the narrative of economic transformation in the Global North cannot serve as a ready-made framework for understanding changing capital-labor relations in the Global South is certain. Yet this does not necessitate the rejection of concepts like flexibilization and precarious labor for analyzing employment conditions in countries such as Thailand that did not pass through a classic Fordist-Keynesian era. The question is how we might make productive analytical use of terms like *flexibilization* and *precarious labor* to flag general tendencies in labor-capital transformations without losing sight of the geographic and historical specificity of countries in the Global South.

The concepts of flexibilization and precarious labor have indeed been widely deployed in studies of the Global South, including those focused specifically on Thailand.[42] Yet whereas scholars such as Standing see these concepts as bound up with deindustrialization, and whereas Harvey dates (North Atlantic) flexibilization to a post-1973 period, flexibilization in Thailand emerged more recently within a period of *intensified* industrialization.[43] Deyo, for instance, dates the start of Thailand's labor market deregulation, and the resulting flexibilization of employment arrangements, to the mid-1980s—the very moment, that is, when the country shifted its development focus to export-oriented industrialization.[44] Alternatively, suggesting a later date, Kevin Hewison and Woradul Tularak see the 1997 Asian financial crisis as the most significant turning point in the transition to flexible labor regimes in Thailand.[45] Whether the start date is set at the mid-1980s or at 1997, the process of employment flexibilization in Thailand has developed concurrent with a significant expansion in manufacturing industries and in the country's total number of factory workers.[46] And while union membership in the United States peaked in the late 1950s, in Thailand this number peaked in the early 1990s. Thus, contra Standing's suggestion that precarious labor globally is bound up with deindustrialization, it is

important to note that Thailand's industrial proletariat (noncitizens included) is today much larger than it has ever been before.

As one such locus of manufacturing growth over the past two and a half decades, the border district of Mae Sot, along with its neighboring districts of Mae Ramat, Phop Phra, Tha Song Yang, and Umphang, offers a particularly instructive site for investigating contemporary forms of workers' precarity in the Global South. Situated on the border at the westernmost point of Thailand, the district has served as the entry point of highest traffic for migrants from Myanmar—along with war refugees and political asylum seekers—since the late 1980s. The period of large-scale migration into Mae Sot thus roughly corresponds with Thailand's contemporary era of marketization. Industrialization in Mae Sot, which picked up following the 1997 Asian financial crisis, was thus from the start dependent on migrant workers, market-based labor (de)regulation, and flexible strategies of employment and production.

As an explicit development strategy, the Thai government began promoting Mae Sot as a migrant labor–based export processing zone in the late 1990s, encouraging capital investment by offering tax holidays as part of an industrial decentralization strategy.[47] The Thai government has also sought to develop the site as the primary trade route across the Thai-Myanmar border, and as a key regional trade hub advantageously positioned on the transcontinental Asian Highway. Various state development agencies have, in addition, pushed to have the area reclassified from a Special Border Economic Zone to a Special Economic Zone.[48] The plan, which the Thai cabinet finally approved in January 2013, and which I discuss further in this book's postscript, grants the district certain regulatory exemptions and facilitates the import of migrant labor.

Despite the clear stamp of official state regulation, Mae Sot remains a border area at the margins of Thailand, where police, military and paramilitary forces, and local government authorities have had considerable—though often de facto—powers of autonomy from Bangkok. These actors have sought in their own ways to manage the traffic and presence of migrants, as well as border trade to and from Myanmar. Additionally, following the large-scale exodus of refugees from Myanmar into Thailand beginning in the late 1980s, a sizable contingent of international NGOs established an enduring presence in Mae Sot and other sites along the border. Over time, some of these organizations expanded their mandates from humanitarian

Figure 2. A billboard on the Asian Highway outside Mae Sot advertises the district for investment, trade, and tourism. Author's photograph.

aid for refugees to also cover various migrant issues. In addition to—and in many cases funded by—the international NGOs operating in Mae Sot, Myanmar migrants and political exiles established their own community-based organizations (CBOs) to address various concerns they identified within the local migrant population.[49] The particular geography and history of Mae Sot has thus brought together an array of parties seeking to engage with (and benefit from) the site's migrant population.

It is thus in Mae Sot that I situate this book's analysis, drawing to do so on some twenty months of ethnographic research I conducted there between 2011 and 2013, with shorter follow-up visits made in July 2015 and June–July 2016. I was for the duration of this fieldwork based mostly out of the office and shelter of the Yaung Chi Oo Workers Association, and it was through my involvement with this association that I met and conversed with hundreds of migrants who approached the group for assistance, many of whom took up temporary residence in the organization's shelter. Such was the case, for example, with recent arrivals from Myanmar who, with little

money and no place to stay, had shown up in Mae Sot seeking employment; a pregnant woman who had been fired and then evicted from her factory dormitory when her employer had discovered her pregnancy; groups of migrants who had quit or been fired in collective disputes with their employers; and individual migrants who found themselves stuck, waiting out protracted—and at times seemingly derelict—workers' compensation claims.

It was likewise due to my involvement with Yaung Chi Oo that I was able to accompany to the Mae Sot Labor Protection Office migrants engaged in collective bargaining and labor rights cases, such as that of the Supafine Fashion factory, which I recount in chapter 6. And it was through my affiliation with Yaung Chi Oo that I attended meetings with local Myanmar CBOs, international NGOs, and various Thai government and police officials, as well as employers and their representatives. Outside my work with Yaung Chi Oo, I regularly visited and conversed with migrant friends and informants in factory dormitories, external worker housing, Burmese-run tea shops, and several local Buddhist monasteries that housed monks from Myanmar. Alongside the innumerable informal conversations that I had with migrants during this time, I also conducted sixty formal (semistructured) interviews, of which I recorded all but five. While the Myanmar population in Mae Sot is multiethnic and multilingual, I conducted these interviews only in Burmese. It was likewise in Burmese that the statements by migrants included in the ethnographic accounts in this book were originally spoken. The names, of course, of all migrants (as well as most factories) included herein are pseudonyms unless the individuals in question requested otherwise. Finally, in the first half of 2013, I carried out (with the help of several migrant friends) a basic demographic survey of over a thousand migrant workers employed at fifteen factories in Mae Sot, the results of which I outline in chapter 1.

Mae Sot is also, I should add, a town in which I previously lived and worked for over four years, first in 2004 and then again from 2006 to 2010. Fieldwork for this project was thus very much a return home, and among those who make ethnographic appearances in this book are old friends and acquaintances from the border, including my wife Ingyin Khaing (May), herself a longtime Myanmar migrant resident of Mae Sot and a constant source of insight into the local situation.

Outline

The chapters of this book, aside from the first, are organized around particular forms of struggle through which Myanmar migrants have contested, disrupted, and transformed Mae Sot's border capitalism. Chapter 1 traces the historical production of the Thai-Myanmar border, with an emphasis on events in Myanmar. Included there are also demographic details of Mae Sot's migrant population. Chapter 2 pursues the historical development of migrant labor regulation in Mae Sot through an analytic of *capitalist recuperation*—by which I mean the ways through which state officials, NGOs, and capitalist employers have appropriated what were initially subversive workers' struggles, channeling them instead into collaborative institutions bolstering industrial peace and the border's status quo. Chapter 3 focuses on struggles over migrant mobility, investigating the ways in which borders that restrict migrants' movement have been variously deployed and contested. Chapter 4 explores practices of coercive policing in Mae Sot and the ways in which such policing, and migrants' responses to it, has shaped migrants' precarity both inside and outside the workplace. Chapter 5 examines the ways by which labor market flexibilization in Thailand has, somewhat counterintuitively, facilitated socialization and class recomposition among Mae Sot's migrant factory workers. Chapter 6 presents an extended case study of a workers' struggle at one Mae Sot garment factory in order to illustrate the ways in which flexibilization, while closing down possibilities for more conventional unionized struggle, has simultaneously enabled alternative forms of workers' self-organization. Subsequently, in the book's conclusion, I return to my core argument in order to reflect on the implications of the foregoing analysis for our understanding of contemporary capitalist transformation, whether in Mae Sot or more globally. The book then closes with a brief postscript summarizing recent developments in migrant regulation in Thailand stemming from the country's 2014 military coup.

Chapter 1

Producing the Border

That borders are contingent products of historical political processes is but a point of departure for my analysis. What anthropologists have pushed further, and what I seek to advance in this book, is the understanding that borders—in their immediate effects, the meanings they come to hold, and the relations that coalesce around them—are also social constructs produced through the everyday practices of border residents, passers-by, and individuals operating farther afield.[1] In just such a manner, the geopolitical border at Mae Sot, Thailand, has come to be meaningful and material in particular ways. But the practices that have here produced the border's specificity—the often mundane practices of border residents, government officials, business owners, migrants and refugees, aid workers, and others—have themselves been shaped by broader political movements, enduring civil wars, globalized capitalist transformations, and shifting regional economic arrangements, as I will outline in this chapter. Despite, consequently, the area's long history of population movement, the arrangement of the border at Mae Sot and the concentration of migrants therein are distinctly modern phenomena.

In precolonial Southeast Asia, by contrast, mainland polities were organized as constellations of city-states whose power diminished as it radiated out from their political centers, leaving gaps between spheres of authority lying effectively outside any sovereign control.[2] Under this arrangement, the various states of what later became Thailand and Myanmar were never able to effectively assert their rule at the local level among upland communities along what would eventually become the Thai-Myanmar border.[3] Instead of demarcating an established geopolitical border, these mostly ethnic Karen–populated mountains served as a buffer zone between antagonistic kingdoms in Siam and precolonial Burma.[4]

What are now demarcated as the Thai districts of Mae Ramat, Mae Sot, Phop Phra, Tha Song Yang, and Umphang are situated along the contemporary Thai-Myanmar border in and around a large valley in the Dawna mountain range. In Mae Sot District, established in 1898, the border follows the Moei River, with the Myanmar town of Myawaddy now located on the opposite bank. As a sleepy border outpost in a bucolic valley at the margins of northwest Thailand, Mae Sot did not experience significant growth until well after World War II. As a consequence, the mountainous border area around Mae Sot remained throughout the early postwar era an "insurgent backwater," wherein various armed ethnic and communist opposition groups maintained rear bases far from the main sites of conflict.[5] During the 1970s, at a time of increased activity by the Communist Party of Thailand (CPT), the Thai government initiated a series of counterinsurgency measures and infrastructure projects around Mae Sot as means of improving surveillance of CPT units operating in the area. Hence, the paved roadways that now connect Mae Sot with the neighboring towns of Mae Sarieng, Tak, and Umphang and have enabled the district's growth as a regional hub for trade, industry, and migration were originally built as counterinsurgency infrastructure in the 1970s.[6] As there were no vehicle bridges across the Moei River at this time, the cross-border movement of trade goods and people was facilitated by long-tail boats ferrying between a series of unofficial piers. This is a practice that has continued to this day despite the completion in 1997 of the Thai-Myanmar Friendship Bridge, which now serves as the official immigration checkpoint between Mae Sot and Myawaddy.

In addition to this infrastructure development, the Thai military began in the mid-1970s to support the avowedly anticommunist Karen National Union (KNU) and Karen National Liberation Army (KNLA) in eastern

Myanmar as a means to prevent a linking up of the CPT and the insurgent Communist Party of Burma, which was operating across the border.[7] Due in part to their close relations with the Thai military, various KNLA commanders were able to assert control at this time over much of the trade going across the Thai-Myanmar border.[8] This trade had become especially voluminous and lucrative due to the vibrant black market that developed when restrictions on imports and exports were introduced in Myanmar under the Burmese Way to Socialism following the country's 1962 military coup. It was this coup that notoriously established conditions for direct military rule in Myanmar—conditions that endured for nearly a half century, notwithstanding important changes along the way.

The border arrangement in the Mae Sot area began to drastically change in the late 1980s. It was, in particular, the 1988 popular uprising against authoritarian rule in Myanmar that set in motion new social, economic, and political processes along the border. This occurred in two significant ways. First, the military crackdown that followed the uprising instigated a mass exodus of thousands of politicized students. The majority of these students fled to rural areas of eastern Myanmar, which were then under the control of various armed ethnic opposition groups, with some students crossing over into Thailand. Many of these students became involved in the All Burma Students' Democratic Front (ABSDF), an armed opposition group founded in 1988 that linked up with the KNU and KNLA and established an office alongside allied political and military groups near the KNU headquarters at Manerplaw in eastern Karen State, about one hundred kilometers northwest of Mae Sot.

The alliance of mostly ethnic Burman students with various non-Burman opposition groups motivated the Myanmar Army to intensify its military campaign to finally take those lands held by the KNU and other insurgent groups in eastern Myanmar. The Myanmar Army's efforts in Karen State at this time were aided by a split in 1994 within the ranks of the KNLA. A large section of the KNLA's majority Buddhist infantry left the group over issues of discrimination and a lack of responsiveness by the KNU and KNLA's Christian-dominated leadership. Having been encouraged by the Myanmar Army as a means to divide the Karen resistance, these former KNLA soldiers established a new military faction, the Democratic Karen Buddhist Army, allied with the Myanmar Army, with which it engaged in a joint attack on the KNU headquarters at Manerplaw beginning in

January 1995. The fall of Manerplaw in February of that year triggered a mass flight of Karen refugees into Thailand.[9] Along with these civilian Karen refugees, the political and military organizations that had formerly operated out of Manerplaw likewise crossed the border at this time, with many relocating to Mae Sot, where they established new offices to continue their operations.

The 1995 refugee exodus from Manerplaw was but one moment in a continuous (though intermittent) movement of refugees into western Thailand from the mid-1980s to the second decade of the twenty-first century—a period that overlaps with the simultaneous transborder movement of migrants. Research into the motivations for migration of those from Myanmar who have taken on employment in Mae Sot and elsewhere in Thailand have shown the overlapping categories of the individuals who sought to escape armed conflict, forced labor, extortion, and a lack of opportunities for livelihood; they variously became "refugees" (registered in camps along the border as "displaced persons temporarily fleeing fighting") or "migrants" (those

Figure 3. The Thai-Myanmar Friendship Bridge, connecting Myawaddy and Mae Sot. Author's photograph.

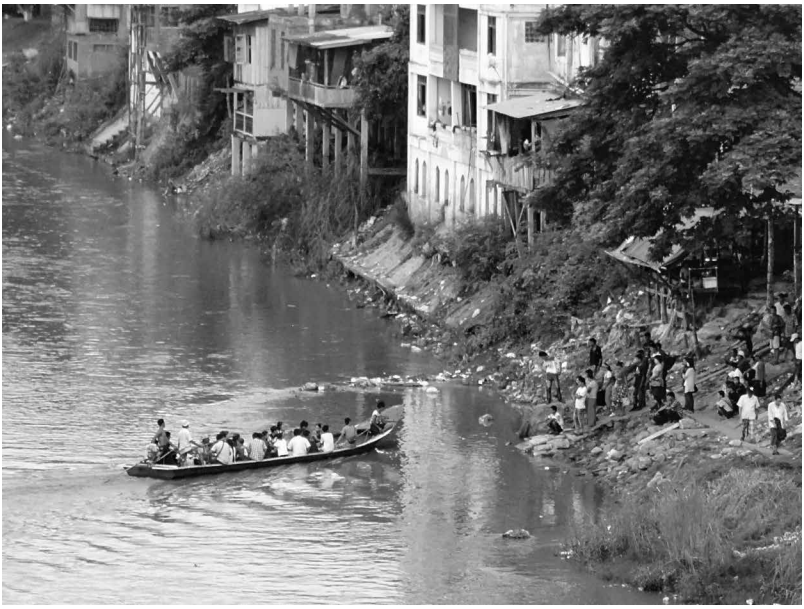

Figure 4. Myanmar migrants returning from Thailand "unofficially" cross the Moei River by boat. Author's photograph.

who lacked such registration and thus remained outside the camps).[10] Blurring these categories further, individuals registered in the camps have at times also left the camps in order to seek employment in nearby agricultural areas or in urban centers like Mae Sot; meanwhile, some individuals who upon arrival in Thailand took on work as migrants have subsequently been able to obtain camp registration.

Within the dynamic of migration as evasion, migrants-cum-refugees seeking to escape extortion, forced labor, armed conflict, and other forms of violence have made strategic use of the Thai-Myanmar border and the protection it affords them from human rights abuses in Myanmar.[11] It was, in fact, as early as 1984 that Karen refugees began arriving in western Thailand. At that time, a consortium of nongovernmental organizations (NGOs) that had been providing aid to Indo-Chinese refugees in eastern Thailand began delivering food and medicine to the new arrivals on the western border under a mandate from the Thai Ministry of Interior.[12] As the population of Karen and other refugees from Myanmar grew throughout the

1990s, the number of organizations seeking to deliver aid to these groups increased significantly. As one border-based writer remarked, the situation along Thailand's western border had by the early twenty-first century developed into something of a humanitarian "industry."[13] In addition to the presence of international NGOs (and soon the Office of the United Nations High Commissioner for Refugees), numerous war refugees, political asylum seekers, and migrants—though, as noted above, these categories are blurred—established their own community-based organizations to provide various forms of assistance to the refugee-migrant population that was expanding along the border. Among such organizations was the Yaung Chi Oo Workers Association, which student activists and U Moe Swe, a former member of the ABSDF, established in Mae Sot in 1999.

The second way in which the 1988 uprising in Myanmar served to significantly reshape border dynamics was by catalyzing a process of economic liberalization in the country. Seeking to garner popular legitimacy in the face of continued domestic calls for political liberalization, the new military junta, which took power in Myanmar amid the uprising, initiated a series of liberalizing economic reforms.[14] These reforms catalyzed far-reaching transformations in the country's political economy and severely weakened the black market trade that had enriched the KNU, the KNLA, and other insurgent groups along the border.

The economic transformation within Myanmar that these reforms set in motion produced both winners and losers. Certain business owners and landowners—and especially those with high-level military connections—were well positioned to take advantage of the new economic opportunities and thus prospered. At the same time, the liberalization process fueled disparities in wealth and, in some areas, an increase in absolute poverty.[15] This occurred as the government removed subsidies on staple goods and as inflation drove up the price of basic commodities and agricultural land. The resulting economic hardships fueled a growing movement of people out of Myanmar in search of employment opportunities abroad. Most of these individuals went to Thailand, while others headed to China, Malaysia, Singapore, and elsewhere.

For those from Myanmar migrating to work in Thailand, Mae Sot served as the primary point of entry into the country. Estimates of the proportion of Myanmar migrants in Thailand who have entered via Mae Sot are as high as 90 percent.[16] Myanmar migrants arriving in the Mae Sot area at the

beginning of the 1990s found work primarily as agricultural laborers, domestic servants, or independent market sellers and petty traders. There were initially no factories in Mae Sot, as the first of these was established only in 1995.[17] There was also no system of migrant registration in place at the time. Human smuggling operations quickly emerged, largely run by the police, that would take migrants from Mae Sot to factories and other employment opportunities in central Thailand. For those migrants who remained in Mae Sot, the experience of violence and extortion from local police became an everyday occurrence.

Given what I have recounted here of the interconnected processes of economic transformation, civil war, and military expansion in Myanmar that have motivated the movement of migrants and refugees out of the country in various ways, the question arises of who Mae Sot's migrants actually are. As a consequence of the widespread lack of documentation among migrants in Thailand, estimates of the country's overall migrant population range from less than two million to more than four million.[18] In the five border districts of

Figure 5. Migrants working at a garment factory in Mae Sot. Author's photograph.

Figure 6. Migrants working at an unregistered "home factory" in Mae Sot. Author's photograph.

Mae Sot, Mae Ramat, Phop Phra, Tha Song Yang, and Umphang, estimates of the local migrant population range from 150,000 to 300,000.[19] Based on research he conducted in Mae Sot in 2008 and 2009, Dennis Arnold has provided an occupational distribution ratio of 40:40:20 for migrants employed in these districts—representing industry, agriculture, and domestic work and services, respectively.[20] Employing a conservative population estimate of 200,000 migrants of working age, this occupational distribution would suggest that about eighty thousand migrants in this area work in factories, a similar number work in agriculture, and about forty thousand are employed in domestic work and services. In addition, in 2013 there were between fourteen thousand and fifteen thousand migrant children attending seventy-two migrant schools in the five border districts.[21] Within these five districts, there are an estimated three hundred registered factories (mostly garment and textile manufacturing firms) employing from one hundred to one thousand migrants each, with another two hundred or so unregistered "home factories," each typically employing between five and twenty migrants.[22]

Over the course of my fieldwork, the number of Myanmar migrants registered in Mae Ramat, Mae Sot, Phop Phra, Tha Song Yang, and Umphang under the nationality verification temporary passport process increased from 10,012 (in July 2012) to 23,156 (in October 2013), according to data that I obtained from the Mae Sot branch of Thailand's Department of Employment.[23] Hence, depending on whether the largest (300,000) or smallest (150,000) migrant population estimate is used, the proportion of migrants in the five border districts holding this form of documentation for legal residence in Thailand would have been between 3.3 and 6.7 percent in July 2012, increasing to between 7.7 and 15.4 percent in October 2013. In other words, migrants holding such documentation for residence in Mae Sot have remained a small minority of the district's total migrant population. It should also be kept in mind, however, that many migrants who have registered for temporary passports and work permits with Mae Sot employers have subsequently used these documents to relocate to central Thailand, as I will discuss in chapter 3. In addition, as employers typically withhold workers' registration documents, legally registered migrants who quit or get fired are often forced to leave these documents behind, thereby becoming effectively undocumented despite remaining registered within government statistics. For these reasons, the actual proportion of migrants holding this type of documentation for legal residence in Thailand and residing within the five border districts would have in fact been lower than the official figures cited here.

According to an estimate from 1997, migrants in Thailand were earning between one-third and one-half the wages being paid to Thais for similar work.[24] Similarly, during the course of my own fieldwork, migrants' wages were typically between 70 and 150 baht per day, which was just under one-fourth to one-half the 2013 provincial minimum wage of 300 baht per day. In comparison, Mary Beth Mills has documented that in 1990 most Thai workers employed at registered garment factories in Bangkok received the legal minimum wage of 97 baht per day, at least following an initial probationary period, with dormitory residence and rice provided without deductions.[25] Hence, twenty-three years later, the daily wage being paid to migrant workers at many Mae Sot garment factories had actually decreased in absolute terms from the 1990 rate.

This disparity in wages between Thai and Myanmar workers helps account for the attractiveness of these migrants to employers operating in

Thailand's domestic garment industry and the attractiveness of Thailand's migrant-employing factories to transnational garment companies and international retailers operating in a highly competitive global garment industry. As subcontracted firms doing outsourced jobs at low cost, Mae Sot factories have produced garments for such international brands as Adidas, Lee Jeans, Muji, and Tommy Hilfiger.[26] Competing at the bottom of global supply chains, and endeavoring to hold on to contracts from footloose international suppliers, Mae Sot's garment factories are, like so many factories of this sort around the world, a phenomenon of the late twentieth-century globalization of production and trade. As insecure manufacturing firms embedded in equally insecure global supply chains, Mae Sot factories have vigorously endeavored to keep down wages and other production costs. Consequently, the reasons why migrants' wages remain so low in Mae Sot relate not only to the abundant supply of labor on the border but also to the various restrictions that employers and local authorities have placed on migrants, as I will address in the chapters that follow.

Over the first six months of 2013, I conducted a basic demographic survey of approximately one thousand migrants employed at fifteen different factories in Mae Sot, inquiring into their age, gender, legal status, marital status, ethnicity, and place of origin. The survey results allow for several pertinent insights into the demographics of Mae Sot's migrant factory workers. To begin with, almost 23 percent of those surveyed held migrant passports. This figure is at least 7.4 percent and at most 15.1 percent higher than the percentage of migrants holding these documents in all occupations combined for the five border districts of Tak Province, according to the figures from Thailand's Department of Employment cited earlier in this chapter. The implication here is that, while still a minority in their workplaces, factory workers are more likely to have obtained registration documentation than are migrants employed in other sectors.

Among the individuals surveyed, only 68.2 percent were women. This figure is actually quite low, at least when compared to the earlier situation in Thailand when garment manufacturers employed Thai nationals. It is also low when compared to the current status of garment industries elsewhere in Southeast Asia; in Myanmar, for example, estimates of the proportion of women employed in the garment sector are around 90 percent.[27] Tellingly, one migrant woman I interviewed who had previously worked in Myanmar's garment industry told me she had never seen a man working in

production at a garment factory before she arrived in Thailand. Similarly, Mills documented that by the early 1990s many employers in Bangkok garment factories "restrict[ed] new hires to young women under age twenty-five."[28] Although the percentage of men employed at Mae Sot factories is comparatively high, one factory manager with whom I spoke felt that employers on the border nonetheless still preferred to hire women. The reason, she explained, was that men are considered to be more prone to drunkenness, irregular work habits, and unruly behavior. In any case, the relatively high number of men employed at garment factories in Mae Sot is significant, particularly given that 29 percent of surveyed migrants reported that they were married. Over the course of my research I met countless migrants who had met and married their partners while working together at the same factory—relations that come to bear on the forms of sociality that develop within the workplace, as I will discuss in chapter 5.

The migrants I spoke with who were employed in nonfactory work in Mae Sot estimated the following gender ratios for their various employment sectors: service (90% women, 10% men), construction (10% women, 90% men), and agriculture (50% women, 50% men). Yet the percentage given here for women working in construction in Mae Sot seems lower than what I observed. Reinforcing my own observations, the International Labor Organization reported in 2016 that as much as 40 percent of Thailand's migrant construction workers are women.[29] Overall, according to registration statistics that I obtained from the Mae Sot branch of the Department of Employment in July 2012, 62.2 percent of migrants registered in the five border districts of Tak Province were women.

The age distribution of surveyed migrant factory workers provided a mean average of 25.5 years, a mode of 18 years, and a median of 24 years. What this means is that—following an initial peak, with the greatest number of surveyed factory workers reporting their age as 18—the proportion of migrants employed in Mae Sot factories has tended to decline as their age increases. This pattern is comprehensible in the context of Mae Sot's position as a transit route through which up to 90 percent of Myanmar migrants enter Thailand. It is common for young migrants, primarily in their late teens, to enter Mae Sot, work for several years, and then find ways of leaving the border area for higher-paid employment in central Thailand—a trend I will discuss in chapter 3. Alternatively, migrants might return home to Myanmar after only a few years of work on the border.

The high number of surveyed migrants who identified as ethnic Burman (86.6%) is also notable, given that Burmans (Bamar) are estimated to comprise only about two-thirds of the population of Myanmar. By contrast, the number of survey respondents who identified as ethnic Karen (1%) was much lower than expected given the proximity of Mae Sot to Myanmar's Karen State. This disparity in ethnic proportions is also indirectly suggested by the number of surveyed migrants who came from the Burman-majority Bago Region (40.8%) versus Karen State (3.4%), where a majority of the population is ethnic Karen. Falling between Bago Region and Karen State, the second through fifth most common states and regions of origin of surveyed migrants were Mon State (20.4%), Rakhine State (11.5%), Yangon Region (9.0%), and Ayarwaddy Region (7.4%).

There are several anecdotal reasons migrants gave that partly account for the high proportion of ethnic Burmans among Mae Sot's factory workers. The first is that when significant migration from Myanmar to Thailand began in the early 1990s, those migrating via Mae Sot were predominantly non-Burmans (especially Karen, Mon, and Pa'O) who came from conflict areas along the border. The ethnic Burman majority areas in the central parts of Myanmar were at the time largely cut off from the border due to the civil war. Over the years, many of the early non-Burman migrants in Mae Sot moved on to higher-paid employment in central Thailand. Subsequently, as new non-Burman migrants from eastern Myanmar left the country, they were able to take advantage of previously established networks of friends and family who were able to assist them in securing higher-paid work in central Thailand, thereby allowing at least some of these new migrants to bypass the lower-paid work on the border. Moreover, for those Karen who do seek employment in the Mae Sot area, many take on agriculture, service, or domestic work. One reason migrants have suggested to me for why Karen are disproportionately represented in service and domestic work is that they often speak better Thai than do ethnic Burmans. In addition, some Thai employers hold positive stereotypes of Karen employees vis-à-vis Burmans, and job advertisements at clothing shops in the Mae Sot market have at times specifically stated that they are seeking young Karen women.[30]

The demographic details presented here help inform an analysis of the social dynamics that I will examine in subsequent chapters. At the broadest level, the migrant population in Mae Sot is almost exclusively from Myanmar.

This differs from other areas of Thailand, where Myanmar workers intermingle with significant numbers of migrants from Cambodia and Laos. Furthermore, the Myanmar population in Mae Sot is now greater than the local Thai population. In some parts of the district, this phenomenon has led to a dominant Myanmar presence. Yet given the widespread lack of documentation among migrants in Mae Sot, many of these individuals spend most of their time (even when not working) behind the walls of their workplaces, giving an impression of there being fewer Myanmar migrants in Mae Sot than is actually the case. Finally, the huge population of migrants in Mae Sot, and the high proportion of these individuals who lack documentation for legal residence and work in Thailand, has enabled systematic practices of police extortion, as I will examine in chapter 4.

Chapter 2

Capitalist Recuperation

At the back of a large hall adjacent to the district government office in Mae Sot, Thailand, there hangs for the day a mural showing photographed scenes of migrant life along the border. Garment factory workers busy at their sewing machines are displayed next to an agricultural worker wearing a broad Myanmar-style bamboo hat and—uncommonly, I note—a full face mask to protect her from the hazards of insecticide and chemical fertilizer. Above these images are printed the words Migration for the Benefit of All. The slogan comes from the International Organization for Migration (IOM), which produced the mural and cosponsored the event at which the mural is being temporarily displayed.

The event marks the occasion of International Women's Day on March 8, 2012. Along with the IOM, the day's proceedings have been cosponsored by the district government's office, the Adventist Development and Relief Association (ADRA; an international nongovernmental organization based in Silver Spring, Maryland), and the locally registered but Myanmar-run Foundation for Education and Development. At the back of the room near the

IOM mural are stalls set up by local and international organizations displaying pictures of their activities and providing free handouts regarding their projects, most of which target the area's migrant population.

Of the three hundred or so people in attendance, the majority are Thai, but the audience also includes a few dozen Myanmar migrant women whom some nongovernmental organizations (NGOs) have bussed in from garment factories in the area. A local Thai television station has a camera crew here, filming the proceedings and interviewing select participants. The daylong event opens with a song in Thai, to which the audience is encouraged to clap along. This is followed by speeches in both Thai and Burmese—with running translation between the two languages—in which speakers from the local municipal government office, the IOM, and the Burmese Women's Union discuss women's rights and comment on various issues of concern for women—particularly migrant women—in the area. The speeches touch on violence against women, HIV/AIDS, and access to education for the female children of migrant workers. Speaking on the subject of gender-based violence, a Thai panelist exhorts that women need to better support each other in order to more effectively respond to such abuse. The audience, however, does not appear particularly engaged. People seem to find more interesting the free snacks and drinks that are distributed as the speeches drag on. The highlight of the day—judging from the audience's comportment—is an "ethnic dress" beauty contest in the afternoon, which is won by a young Karenni woman.

I call attention to this event not for it being particularly unique. Indeed, similar events are regularly held in Mae Sot for various occasions, such as International Migrants' Day and International Workers' Day. For the purpose of my argument, what is relevant about this event, and others like it are two ways in which migrant labor is publicly presented in Mae Sot. First, the difficulties faced by migrants—and the majority of migrants in Mae Sot are women—are framed in isolation of wider structural determinants. Hence, the fact that the widespread insecurity of migrant women in Mae Sot is embedded in poverty-level wages (well below the legal minimum) is left unmentioned, as is the persistent harassment and extortion on the part of the (all-male) police force. Second, improving the difficult situation that migrants face in Mae Sot is presented as a project of harmonious interests—of local Thai government authorities, international NGOs, local Myanmar community-based organizations (CBOs), the police, migrants, and employ-

ers. This framing is explicitly conveyed in the IOM slogan of Migration for the Benefit of All.

There is, of course, nothing surprising about this framing. Critical analysts have long argued that the "anti-politics" of development discourse serves to isolate instances of poverty from their broader structural context, and further, that such depoliticized discourse "renders technical" the conditions shaping poverty and vulnerability, so that governmental interventions can be feasibly crafted.[1]

It is, nonetheless, a remarkable contrast from even a decade prior that migrant issues are being so publicly addressed in Mae Sot and that these issues are being openly engaged in by so many different actors. Indeed, over the preceding two decades there has been a significant expansion of governmental activities targeting migrants, and a growth in the formal incorporation of Mae Sot's migrants into bureaucratic state mechanisms. By *governmental activities* I mean, following Michel Foucault, those noncoercive, pastoral interventions that aim to "conduct the conduct" of target populations in order to achieve particular objective outcomes such as "industrial peace" or a healthy labor force.[2] Such interventions have increased in Mae Sot despite the fact that the vast majority of migrants here have remained "illegal" in their immigration status. Some examples of the incorporation of migrants into governmental relations from the time of my fieldwork can illustrate my point: in 2012 the New York–based International Rescue Committee (IRC) initiated its Access to Justice project, which sought to facilitate the prosecution of criminal cases brought by migrant plaintiffs through the Thai judicial system; in 2013 there were seventy-two migrant schools in the Mae Sot area registered with the Thai Ministry of Education; a handful of organizations, such as the Yaung Chi Oo Workers Association and the MAP Foundation, regularly supported migrants' submissions of labor rights claims to the Thai government's Labor Protection Office (LPO); and many local Myanmar CBOs actively promoted the Thai government's migrant registration process, primarily by distributing to migrants up-to-date information about the ever-changing registration policies.

None of these activities has, to be sure, led to any definitive redress of migrants' grievances over low wages, poor working conditions, oppressive movement restrictions, and police harassment and extortion. This situation does, however, represent a significant transformation of the migrant labor arrangement since the beginning of the 1990s, when a substantial migrant

presence first developed in and around Mae Sot. At that time there was no migrant registration process at all, no access to the judicial mechanisms of the LPO, no migrant schools (registered or otherwise), no viable route for migrants to file criminal cases, and no explicitly migrant-focused NGOs operating in the area. What has occurred, then, is that a network of liberal governmental rule—an assemblage of NGOs and Thai government agencies—has been deployed alongside a continuing situation of coercive policing. As I will discuss in chapter 4, such coercive policing, involving the everyday harassment, extortion, detention, and deportation of migrants, has facilitated the reproduction of the area's low-wage, flexible workforce. The coexisting network of liberal governmental rule, by contrast, promises—though often fails to deliver—legal rights and access to justice for migrants who pursue their grievances through institutional channels, and who thus forgo disruptive extrainstitutional tactics like wildcat strikes.

In this chapter I will trace the emergence of this assemblage of governmental rule, which comprises the benevolent "left hand" of the Thai state and aims at, among other objectives, shepherding migrant workers toward the nondisruptive resolution of industrial disputes.[3] This governmentalization of migrant labor regulation in Mae Sot has been shaped over the years by an array of actors, events, and historical processes. Acknowledging the multiply constituted character of Mae Sot's labor arrangement opens up for analysis the struggles of variously situated actors in shaping this arrangement. To suggest otherwise would concede too much power to state and capitalist interests in dictating the terms of migrant labor; it would also miss the constitutive role of workers' struggles in producing these arrangements, and of various development actors (NGOs, as well as Thai government agencies) in extending the reach of governmental interventions and incorporating Myanmar migrants into governmental relations.

The contemporary labor regime regulating migrants in Mae Sot is the historical outcome of a dialectic between workers' struggles and recuperative capitalist responses. Suggested by Guy Debord in 1967, and explicitly addressed by Gilles Deleuze in 1971, the concept of *capitalist recuperation* refers to the ways in which governments and capitalists appropriate what are initially subversive struggles, redirecting them instead toward conservative ends that reproduce the status quo.[4] In Thailand, successive governments have, in the face of disruptive, extrainstitutional working-class struggles,

introduced new legislation and regulatory mechanisms that aim to channel worker discontent into restrictive industrial relations procedures that bolster industrial peace and facilitate the uninterrupted accumulation of capital.

A key part of the recuperative story in Thailand is the opportunistic use of the Thai-Myanmar border by Thai government officials and domestic manufacturing firms. Deploying the legitimizing rhetoric of *industrial decentralization*, garment factory owners facing industrial unrest and rising labor costs in central Thailand in the mid-1990s relocated their operations to Mae Sot, where historical contingencies had corralled a growing population of migrants-cum-refugees from Myanmar. With the border serving to strip those from Myanmar of the rights ascribed to Thai workers and citizens, government officials targeted the area for industrialization—the Myanmar population serving as a ready pool of low-wage, flexible labor. It is to this that I now turn: the story of the constitutive struggles of Thai and Myanmar workers, and of the recuperative efforts of Thai government officials and Thailand-based industrial capitalists.

Workers' Struggles and Their Recuperation

Alongside the market liberalizations that the Myanmar government initiated at the beginning of the 1990s (see chapter 1), similar reforms were implemented in Thailand. It was, in fact, during the mid-1980s that the Thai government firmly shifted the country's development model toward export-oriented industrialization, backed by a rigorous program of marketization whereby state subsidies were reduced or eliminated.[5] When former prime minister Chatichai Choonhavan announced in 1988 that Thailand would seek to transform the Greater Mekong Subregion "from a battlefield into a marketplace," he inaugurated a period of political and economic restructuring that sought to build economic linkages with the country's formerly antagonistic neighbors.

The economic reforms that began in Thailand during the 1980s were concurrent and interconnected with the restructuring of the country's labor policies. Labor unions in Thailand have never had a strong, stable position within the country's political system. In this regard, Thailand's labor history differs from that of North Atlantic countries, where dominant

union federations maintained institutionalized political roles as part of post-World War II Fordist-Keynesian industrial arrangements. There has, nonetheless, been a recurring tension within Thai labor policy between approaches that seek to repress labor organizing altogether and those that seek to accommodate or co-opt such organizing within state regulatory mechanisms.[6] The history of modern Thailand has therefore been marked by periods of fierce repression of organized labor (such as after Sarit Thanarat's 1957 coup) and periods of relative accommodation (such as the moment of popular mobilization among students, workers, and farmers in the years 1973–76).

The accommodation of organized labor in Thailand has intermittently emerged since the 1950s out of a dialectic between increased workers' struggles and government efforts to contain industrial unrest. Specifically, Thai government officials and policy advisers have at various times argued that conservative labor unions can serve to inhibit leftist influence among workers, and further, that with the "proper training and guidance of their leaders, [unions] would act as useful mechanisms for the disciplining of workers, limiting the instances of industrial conflict and promoting harmony and cooperation in the workplace."[7]

The containment of labor struggles was to become a growing concern for the Thai government as the number and concentration of wage workers in the country expanded. When Thailand developed industrial production for export in the 1960s, a dense belt of factories—particularly garment and textile manufacturing firms—grew up along the outskirts of Bangkok. The geographic proximity of these factories to Thailand's political center meant that the country's core industrial workers were "well placed to give voice to their demands."[8] In addition, this concentration of industrial workers in the Bangkok area became a major base of support for a radical current among workers that emerged when popular struggles for democratic change brought about the collapse of Thailand's military government in 1973.[9]

The period of 1973–76 was to become the most significant eruption of working-class industrial action in Thai history. According to historians Pasuk Phongpaichit and Chris Baker, within the four years leading up to the 1976 coup "there were 1,232 strikes involving 384,000 workers and over two million man-days lost."[10] Among the industrial actions taken at this time, women employed at the Hara Jeans factory seized control of their workplace and converted it into a workers' cooperative.[11]

The increased militancy of Thai industrial workers in 1973–76 forced labor policy reform onto the agenda of the Thai government, culminating in the promulgation in 1975 of the Labor Relations Act (LRA), which legalized the establishment of independent workers' unions. The content of the act reflects the tensions at that moment in Thai history between subversive workers' struggles and the reactionary efforts of government legislators seeking new legal instruments to contain an increasingly militant labor movement. Hence, embodied in the act are clauses both enabling and constraining to workers' struggles. On the one hand, the act served to widen the legal space in which labor organizations could operate. On the other hand, it required that workplace disputes be channeled through the government's industrial relations mechanisms, with debilitating restrictions placed on the timing and duration of strikes. By promulgating the act, government officials sought to reduce "disruptive" industrial actions and ensure a stable industrial environment conducive to long-term capital accumulation.[12]

When the military reestablished its rule in October 1976, the Thai government returned to its earlier repressive approach toward organized labor, rolling back many of the gains workers had only recently achieved. The 1975 LRA, however, remained in place, and employers and government officials continued to seek accommodation with labor unions under its terms. As a consequence, labor organizations in Thailand went through a double movement following the enactment of the act: while workers' unions became, as labor historian Andrew Brown describes, "progressively weakened, fragmented and politically impotent," their membership nonetheless grew steadily throughout the 1980s, from 50,000 in 1975 to 336,061 in 1990.[13]

However constrained they may have been, workers' capacities to organize in Thailand did, in fact, develop in notable ways during the country's economic boom years of 1987–96, which followed the government's mid-1980s shift toward a primary growth strategy of export-oriented industrialization. During the latter half of the 1980s alone, Thailand's textile and garment exports increased elevenfold, becoming the country's largest export sector, and employing a workforce of close to one million by 1990.[14] Capital investment during these years came overwhelmingly from domestic sources, with a minor share coming from foreign investors (largely from Hong Kong, Japan, and the United States).[15] Most of the garment and textile workers in Thailand at this time were domestic migrants—overwhelmingly women—from the country's poorer northeast region.

As the 1980s drew to a close, the country's labor market began to constrict, strengthening the position of Thai workers and leading in 1993–94 to the most significant upsurge in labor protests since the repression that followed the 1976 military coup.[16] Among the outcomes of the expanded labor mobilization that occurred during Thailand's 1987–96 boom was the establishment within a ten-year period of twenty-eight new garment and textile unions.[17] The combination of a constricting labor market and increased labor organizing fueled a growth in real wages of 8 percent a year from 1990 onward.[18]

As Thai workers intensified their organizing efforts starting in the late 1980s, politicians competing in the 1988 elections began to envisage in the ranks of labor the germ of a potential vote bank. Most notably, Chatichai began courting workers with such promises as greater legal protections for the right to strike.[19] Hence, while formal unions did not hold a strong, institutionalized position in shaping Thai politics at the beginning of the 1990s, there was nonetheless a defined space (however limited) within which labor issues could be raised politically.

This relatively open situation was significantly curtailed as a result of Thailand's military coup in February 1991. After the coup, the National Peacekeeping Council, which led the postcoup government, promulgated a series of laws aimed at restricting labor organizing and industrial actions in Thailand. Most dramatically, state enterprise unions were abolished altogether. In large measure a result of the postcoup anti-union legislation, there was a 7 percent drop in union density during the early 1990s, which has since further declined to the current rate of less than 4 percent of the country's total workforce.[20]

Following the coup, in 1997 a second major turning point came in the recent history of labor organizing in Thailand—specifically, the Asian financial crisis. In the industrial belt that had grown up around Bangkok, the crisis prompted many firms to cut costs by closing their larger unionized factories, laying off hundreds of thousands of Thai women, shifting employment to undocumented migrant workers, and subcontracting their orders to smaller factories in the country's outlying provinces, such as Tak Province, where Mae Sot is located.[21] For garment and textile firms the increased employment of migrants was particularly advantageous, as the 1975 LRA legally prohibits migrant workers, on the basis of their non-Thai nationality, from establishing formal unions. In short, the relocation of capital and

flexibilization of labor in Thailand following the 1997 crisis served to undermine and disorganize what was then becoming an increasingly assertive Thai industrial proletariat.

The effect of postcrisis capital relocation on developments in Mae Sot was immense. According to one academic survey, 80 percent of Mae Sot factories were established only after the 1997 crisis.[22] This relocation of manufacturing from Bangkok to Mae Sot followed the logic of a "spatial fix," whereby industrial capitalists seek to remedy crises of profitability by moving their operations to areas with lower production costs. In David Harvey's influential framing of the term, the spatial fix serves as a capitalist response to the tendencies toward overaccumulation and falling rates of profit inherent to capital.[23] Focusing instead on the catalytic role of class conflict, Beverly Silver has reworked the concept of the spatial fix to more clearly situate capital relocation in relation to concrete working-class struggles.[24] For Silver, the spatial fix is a rearguard action whereby employers respond to the increased wages driven up by workers' struggles and to the threat to management prerogatives that organized labor poses by relocating production to sites with cheaper, more flexible, and (what employers hope are) more docile workforces. In the specific case of Thailand, Jim Glassman has similarly identified Thai labor militancy as a crucial factor leading to the crisis, and as a key stimulus for postcrisis industrial decentralization.[25] The implication here is that while the 1997 crisis has been attributed to cyclical tendencies within capitalism toward overexpansion, overproduction, and declining rates of profit,[26] the preceding struggles of Thai industrial workers played a major role in pushing these tendencies forward—for example, by bringing down profits through increased production costs.

In addition to capital relocation, garment factory employers at the time of the crisis adopted various tactics to offload the risks of market fluctuations onto the workers in their employ. Such tactics included temporary shutdowns as a means to cut costs when there was a drop or delay in production orders, a widespread shift from day rate to piece rate payments, and outsourcing part of the production process to home-based workers.[27] The 1997 crisis thus stimulated a significant expansion of employment flexibility within Thai industry—an expansion made possible by the increased employment of part-time, home-based, and migrant workers, and of those employed through temporary employment agencies.[28] Consequently, as Kevin Hewison and Woradul Tularak argue, the expansion of employment

flexibility in postcrisis Thailand was "not just a strategy to reduce costs, but a powerful means to limit the capacity of workers to collectively organize to improve their conditions."[29] Management tactics deployed at this time included measures "both legal and illegal" that served to counter the growth of Thai unions.[30] All of this is to say that postcrisis labor flexibilization has seriously undermined the ability of Thai unions to advance the interests of workers in the country.[31]

Supporting the relocation of garment and textile factories from Bangkok to the border following the 1997 crisis, the Thai government introduced tax breaks for capital investment in Mae Sot District and prioritized the area for development under the country's new industrial decentralization plan.[32] The targeting of Mae Sot for development was additionally strategic due to the site's position as a hub of border and regional trade on the transcontinental Asian Highway. Consequently, the Thai cabinet announced in 2002 that Mae Sot would become one of the country's first Special Border Economic Zones (SBEZs), granting it special budgetary allocations. The following year, the SBEZ program was introduced in Chiang Rai Province, and then in Mae Sot, with additional zones designated in Mukdahan Province on Thailand's border with Laos and in Trat Province on the Cambodian border.[33]

This was followed in 2005 by a proposal by the Industrial Estate Authority of Thailand and the National Economic and Social Development Board to reclassify Mae Sot from a Special Border Economic Zone to a Special Economic Zone, with the latter designation providing certain exemptions from state-level administrative controls and labor regulations and allowing for nonstandard arrangements for the import and employment of migrant workers.[34] Due, however, to strong opposition from local Thai civil society at the time, the then government of Thaksin Shinawatra shelved the plan indefinitely. Although repeatedly reproposed, the Thai cabinet only approved the plan to reclassify Mae Sot as a Special Economic Zone in January 2013. And even then it was not until after the country's military coup of May 22, 2014, that the project actually got underway, as I discuss further in this book's postscript.

While most of Mae Sot's NGOs and CBOs have focused on health and education assistance to migrants, some (such as the Labor Law Clinic, the MAP Foundation, and Yaung Chi Oo) have sought to make use of Thai labor law as a tool to redress migrants', and particularly factory-employed migrants', labor-related grievances. This has been possible in principle,

Figure 7. A billboard advertising Mae Sot as "The door to AEC" (the ASEAN Economic Community), which shows then prime minister Yingluck Shinawatra alongside a map depicting Mae Sot district as the hub of Southeast Asian regional trade. Author's photograph.

despite the "illegal" status of most migrants, because the 1975 LRA—which delimits the government's industrial relations mechanisms—broadly defines *employee* as anyone engaged in wage labor for an identifiable employer. Although it may not have originally been envisioned for this purpose, the terminology of the act is sufficiently open to allow advocates to argue for its applicability to undocumented, nonnationals employed in Thailand.

This rather particular legal position is significant for the ways in which it constitutes migrants employed in Mae Sot's factories as simultaneously informal and formal—an exception to the legal norm, yet unexceptional within Thailand's legal system. To begin with, industrial workers in Thailand are legally entitled to various employment rights enshrined in the 1975 LRA and in the 1998 Labor Protection Act. As migrant workers and their advocates have argued for the applicability of these laws to migrants, whether documented or not, the Mae Sot LPO and the Thai government more broadly have come to officially recognize that migrant factory workers are

de jure formal workers, with the legal right to make claims for legislated employment protections. In this sense, undocumented migrant factory workers in Mae Sot are not an exception to Thais working in formal employment. In practice, however, these same migrants are largely informal in their employment status, if only de facto, due to scant enforcement of labor laws and to barriers to accessing effective legal redress.[35] In this sense, migrants making collective legal claims for legislated employment protections are seeking to escape their de facto informal legal status so as to realize their de jure formal status.

Collective claims regarding employment-related grievances (from unionized or nonunionized workers) are formally handled in Thailand by the government's labor courts, which operate out of regional branches of the LPO, a juridical agency within the Department of Labor and Social Welfare of the Thai Ministry of Labor. The Thai government first established these labor courts in 1979 as a response to the growth in worker organizing that followed the 1973–76 eruption of industrial unrest.[36] Andrew Brown, Bundit Thonachaisetavut, and Kevin Hewison have provided a useful summary of the courts' operations. I reproduce their account at length here, as it highlights several features of these courts that are of especial relevance to my argument:

> The specific brief of the labor courts are to "concern themselves with conflicts between employers and employees over work contracts or the various rights of respective parties with respect to labor protection and labor relation laws." For the most part, labor courts thus restrict their activities to making decisions on cases where the specific rights and duties as specified by workplace contracts and conditions of employment as well as those rights and duties as set out in various labor protection and labor relations laws are being contested. Officers of the labor courts are full-time professional judges attached to the Ministry of Justice. Associate judges, elected by employers and employee representatives, also serve on the court. The courts also include a mediation and arbitration element.
>
> Over the past two decades, the roles and activities of the labor courts have become the subject of considerable debate. Workers and their representatives, in particular, have argued that there now exists a pressing need for reform of the courts. Various criticisms of the operation of the courts relate to the ways in which cases are processed, the bias often exhibited by judges, the lack of judicial expertise in labor matters, and the mechanism through which associate judges are elected.[37]

Despite the concentration of industrial employment in Mae Sot, the Thai government did not established a local LPO branch, out of which the labor court operates, until 2004. This date is significant. Throughout the 1990s and into the twenty-first century, egregious labor rights abuses by employers (including subminimum wages, forced overtime, denial of legally mandated holidays, arbitrary deductions in pay, and nonpayment of wages) were rampant across Mae Sot.[38] At the same time, police harassment, extortion, and sexual and other violence against migrants established a climate of intimidation that significantly curtailed migrants' collective action regarding workplace grievances. Starting around 2002, however, wildcat strikes and workplace organizing on the part of migrant factory workers (in some cases with support from Yaung Chi Oo) became increasingly common.[39] The emergence at this time of disruptive workplace struggles on the part of migrants along the border goes some way to explaining the subsequent willingness of Thai government authorities to open a local branch of the LPO and the begrudging acquiescence of local factory employers to involve themselves in this industrial relations mechanism.

Prior to the 2004 opening of the LPO in Mae Sot, the closest branch of this office was in the city of Tak, about a two-hour drive over the mountains east of Mae Sot. Due to their overwhelming lack of documentation for legal residence in Thailand, most migrants were unable at this time to safely travel to Tak in order to submit cases to the LPO. The MAP Foundation and Yaung Chi Oo therefore submitted an appeal to Thailand's National Human Rights Commission calling for the establishment of a Mae Sot LPO branch. Although this appeal led to the opening of such a branch in 2004, its office was initially open only one day per week, with the relevant labor court officers based in the city of Tak.

The initial brevity of the Mae Sot LPO's operating hours inhibited the prompt and effective processing of labor rights cases. In response, a group of migrant workers who had filed cases with the Mae Sot LPO, along with members of the MAP Foundation and Yaung Chi Oo, staged a series of loud protests outside the LPO building during its first year of operation. According to a MAP Foundation staff member involved in these actions, the protests involved banging pots and pans to draw public attention so as to pressure the LPO to extend its hours of operation. The protests eventually led to the extension of operating hours for the Mae Sot LPO, which is now open five days a week from 9:00 A.M. to 5:00 P.M. During the first few years of its Mae

Sot operations, however, the impartiality of the local LPO was visibly compromised by the fact that it was situated within the very office building of the Mae Sot branch of the Federation of Thai Industries—that is, the employers' association representing local factory owners.[40]

The Specificity of Mae Sot's Present-Day Labor Regime

Against the historical backdrop presented thus far, the current labor regime in Mae Sot can be usefully understood through two comparisons with earlier moments in Thailand's labor history. First, in contrast to periods of relative unionization among Thai workers, the current employment of nonunionized migrant workers has been part of a strategic shift on the part of employers toward more flexible labor relations aimed at limiting workers' abilities to organize collectively. This strategic shift, involving the relocation of factories away from Bangkok following the 1997 crisis, was in large part a reaction to earlier industrial unrest and labor organizing among Thai workers.

This shift toward the increased employment of nonunionized migrants goes against earlier accommodation strategies, whereby conservative trade unions were promoted, and select union officials patronized, as means of disciplining workers and limiting shop floor militancy. And yet, by dispensing with conservative trade unions and union officials, employers have forsaken this institutional means of containing industrial unrest. As an example, various Thai labor laws, beginning with the 1965 Settlement of Labor Disputes Act, were drafted with the aim of stopping the disruptive practice whereby workers would strike first and only then submit demands to their employers.[41] Among migrants in Mae Sot, however, the common practice in collective bargaining has been just that: to stop work prior to either submitting demands or engaging in official industrial relations mechanisms. While employers in Thailand have various other means of containing industrial actions on the part of migrants, co-opted unions are not one of them, and migrants have stubbornly persisted with disruptive workplace struggles, such as the one I recount in chapter 6.

An illustration of the inability of current industrial relations mechanisms in Thailand to fully contain workplace conflicts involving migrants was dramatically displayed in the case of the Saha Farms chicken processing plant. In early July 2013, the *Nation* newspaper in Thailand reported "a suspicious

blaze" that had "almost totally" burned down the Saha Farms plant in Lop Buri Province. According to the article, the cause of the fire was arson brought about by some of the more than five thousand mostly Myanmar migrants employed at the plant. As the article's subheading announced: "Foreign workers suspected of torching factory."

The *Nation* article notes that over the two months preceding the fire the company had failed to pay the wages owed its migrant workforce. This non-payment of wages had occurred against the backdrop of the company's liquidity problems, and a rumor the employer was going to close the factory without paying the wages that were owed; the week before the fire the workers had held protests inside the factory compound demanding their pay. This was followed by an initial fire, in which four motorcycles were torched. The police were called in "to restore order" and left with six Myanmar migrants in their custody. Lop Buri's deputy governor Sujin Chaichumsak, who visited the Saha Farms complex, warned of an ongoing "threat of arson from protesting workers." The next day, the main chicken processing facility was set ablaze and reduced nearly completely to ashes.[42]

Alongside the burning of Saha Farms we might consider the case of Maung Zaw, a Myanmar migrant who obtained employment in 2015 as a general laborer at a restaurant in Chachoengsao Province. According to the Thai media and a Myanmar CBO that reported on the case, Maung Zaw's employer immediately confiscated his passport and work permit, and forbid him from leaving the restaurant grounds. As he went about his work the employer persistently swore at him and threatened him to the point that, in September 2015, Maung Zaw "exploded in anger and resentment." Grabbing a pan of hot oil from a nearby chicken fryer, he flung the pan's boiling contents into his employer's face, and then proceeded to beat the latter with a metal chain.[43]

Such eruptions of migrant violence, or at least property destruction, have no doubt fed into the terrified fantasies of the more reactionary elements in the Thai government and Thai society who have called for greater restrictions on migrants' rights. But the threat of such unrest from below has also, I suggest, informed governmental initiatives that aim to channel migrants' grievances into nondisruptive dispute resolution mechanisms. We can thus read into such cases the ambivalent implications of the dangers—real at times, but also imagined—that oppressors so often impute to the oppressed.[44]

A second comparison between Mae Sot's contemporary migrant labor regime and the labor regime of the early 1990s highlights the increasing incorporation of the district's migrants into the networks of governmental relations. This shift has led to a growing number of labor disputes being channeled (often with the support and encouragement of migrant-focused NGOs and CBOs) into the restrictive bureaucratic procedures of the LPO. To be sure, the LPO's labor courts have been criticized as biased toward employers, and this industrial relations mechanism can indeed function to limit workplace struggles that might otherwise disrupt production and thereby strengthen workers' bargaining position. It is important to keep in mind, however, that the opening of Mae Sot's LPO branch, and the growing willingness of Mae Sot employers to work through the LPO, have all followed *from* workers' struggles rather than being preemptive to such struggles. Furthermore, the promulgation of the LRA in 1975 and the establishment of the labor courts in 1979 were themselves responses aimed at containing the growing industrial unrest that emerged in 1973–76. Nonetheless, as Andrew Brown and Saowalak Chaytaweep have argued, under the terms of the 1975 LRA, workers are "captured within a strict regime of processes, rules and regulations. This has limited organizational capacity and has offered employers and the state ample scope to legally undermine labor organizing and industrial action."[45]

The Thai government's tolerance of NGOs and CBOs in Mae Sot, which help migrants seek redress for employment grievances through the channels stipulated in the 1975 LRA, makes sense against the backdrop of the volatile eruptions of migrant workers' struggles since 2002. Such eruptions of labor unrest in Mae Sot have included work stoppages, walkouts, and the occasional destruction of property. There are parallels here between the efforts of Mae Sot NGOs and CBOs and the activities of NGOs more globally, at least insofar as these organizations have sought to channel the disruptive struggles of subordinate actors into conservative, nondisruptive institutional channels. It is due to such activities that radical critics have charged NGOs with functioning to "convert potential uncontrollable dissent into a calm, peaceful, legal, controlled, institutionalized and completely harmless discontent."[46] In Mae Sot, migrant-focused NGOs and CBOs have indeed encouraged migrants who engage in extralegal work stoppages and walkouts to return to work and to submit their grievances through the LPO, thereby restricting themselves to the strict rules and bureaucratic processes

of the 1975 LRA. At the same time, however, the more confrontational labor organizations like Yaung Chi Oo have also encouraged workers—who may not have otherwise done so—to take collective action, and for this these organizations have provided legal, logistical, and strategic support. It is, consequently, by virtue of their embodiment of both tendencies—empowering as well as restrictive—that labor NGOs and labor law can be regarded as contradictory forces within workplace struggles—forces that simultaneously enable and constrain workers' industrial actions.

The politico-economic transformations that have brought into being the current arrangement of migrant labor regulation in Mae Sot follow the logic of reactive capitalist restructuring that Mario Tronti and other workerists identified in the 1960s. The features, in other words, of migrant labor regulation in Mae Sot—including restrictive labor laws and industrial relations mechanisms, flexible employment practices, and spatial strategies of capital investment—are responses, in large measure, to prior waves of workers' struggles. Moreover, the ongoing struggles of migrant workers in Mae Sot, pressing as they do against the limits of this arrangement, have themselves been shaped by their growing incorporation into networks of governmental relations—relations that connect aggrieved migrants to NGOs, CBOs, and various agencies of the Thai government.

The Fraught Hegemony of Mae Sot's Labor Regime

As I have sought to make clear through the historical overview presented herein, migrant labor in Mae Sot has gradually emerged as a field of governmental intervention. Governmental actors have, in particular, striven to contain disruptive industrial unrest and to promote industrial peace through consent-seeking industrial relations mechanisms. As the benevolent "left hand" of the Thai state, such industrial relations mechanisms serve a hegemonic function in Mae Sot's labor regime. They aim, quite specifically, to secure worker acquiescence to unequal and exploitative relations of employment. But as a hegemonic project such efforts are fraught by virtue of the fact that, as consent-seeking mechanisms deployed to prevent strikes, such measures nonetheless provide avenues for workers to pursue demands that could threaten capital accumulation and managerial prerogatives.[47]

Notwithstanding the project-like character of these hegemonic efforts, governmental interventions should not be misread as the straightforward outcome of coherent state policy. For if they are, then the on-the-ground implementation of these interventions becomes obscured. What gets missed is the array of actors involved in (re)shaping governmental interventions toward their own interests in ways that may deviate from, or even contradict, original policy formulations. In practice, labor regimes as regulatory assemblages are inevitably contingent, fragile, and incrementally (re)assembled by a range of (often conflicting) parties, including target populations themselves, who may critically and strategically engage with these interventions, seeking to shape or divert them to alternative ends.[48] Hegemony is thus usefully understood here as an assemblage. While we can speak in the singular of a particular hegemonic project, any actually existing hegemonic formation is inevitably constituted through multiple—and at times opposed—projects. It is through this hegemony-as-assemblage that conflicting interests, practices, and relations come together to produce what William Roseberry identified as hegemony's construct: "a common material and meaningful framework for living through, talking about, and acting upon social orders characterized by domination."[49]

My aim at this point is thus to underscore the heterogeneity of interests among actors involved in shaping regulatory interventions in Mae Sot, the contested character of these interventions, and the strategic engagement with these interventions by target populations. To this end I offer here accounts of two events held in Mae Sot for the occasion of International Workers' Day, or May Day. Key differences between these two events highlight the tensions that exist between competing efforts to shape (and contest) the regulation of migrant labor. The accounts illustrate the various compromises involved in the developing arrangement of migrant regulation in Mae Sot, as an assemblage of governmental interventions, and as a contested hegemonic field.

In the first account, Yaung Chi Oo and its partner organizations, while vocally contesting the existing migrant labor situation in Mae Sot, nonetheless take advantage of the space provided by the broader governmental efforts of Thai authorities in order to hold their own, alternative May Day rally. Yaung Chi Oo members facilitating the event encourage the migrants in attendance to collectively confront their employers, but to do so through the industrial relations mechanism of the LPO. The struggles of migrant

workers in Mae Sot, as presented at this event, are thus situated against—and yet all the while within—the local labor regime as a hegemonic regulatory assemblage.

In the second account, the Thai employers' association and local Thai government officials partnered with ADRA and the IOM in order to "celebrate" the role of migrant workers in Mae Sot's economy; this was accomplished by conducting a congratulatory parade and hosting a friendly football tournament. And yet the Myanmar migrants who walked in the parade and who played in the tournament remained overwhelmingly "illegal" in their immigration status. In other words, local employers and government officials felt compelled to publicly demonstrate their goodwill and to overlook the "illegal" status of these migrants—who are at all other times subject to the threat of arrest, extortion, detention, and deportation—and to recognize these otherwise "illegal" migrants within the official purview of local government authorities. Both accounts thus illustrate, in their own ways, the compromises made by those involved in shaping and contesting the regulatory arrangement that is Mae Sot's labor regime.

May Day 2012

Some minutes before eight o'clock in the morning I arrive at the events hall of a hotel several blocks from Mae Sot's main market. Rows of chairs wait for the audience that is to arrive, and hung along the walls are vinyl banners printed for the event that state their slogans in Burmese, Thai, and English: Give Us the 226 Baht per Day Minimum Wage, Now!; 8 Hours Work, 8 Hours Rest, 8 Hours Sleep; and One Day Off per Week Is a Worker's Right. Behind the text on two of these banners is the flag-bearing, hammer-wielding male industrial worker who serves as the logo for the anarcho-syndicalist International Workers' Association, but none of the individuals or organizations represented here are actually members; it is Yaung Chi Oo and its partners (including the Arakan Labor Campaign, the Burma Lawyers' Council, the Democratic Party for a New Society, and the MAP Foundation) who have organized the event.

It is not long before some pickup trucks pull up in the parking lot, bringing migrants from workplaces across Mae Sot—garment factories, mostly,

but also some construction sites and agricultural fields. The trucks, which the organizers have hired for the day, are due to make several trips each. With the disembarkation, about an hour later, of the last of the passengers from the last of the trucks, there are in attendance around two hundred individuals, or so I estimate. Along with factory workers, who form the majority, there are also construction and agricultural workers, perhaps two dozen CBO staff, and a handful of visiting British trade unionists. At a table set up by the entrance to the hall, several Yaung Chi Oo staff members hand out the latest issue of their organization's monthly journal. The issue—a special for May Day—covers the global commemoration of International Workers' Day and provides a history of May Day rallies in Myanmar (the first of which was held by striking oil workers in 1938). Most of the Yaung Chi Oo staff in attendance wear T-shirts produced by the organization; printed on the front of them are a clenched fist and the English words Get Up, Stand Up, Fight for Your Rights!

As the event gets underway, "The Internationale" pours out loudly from speakers affixed to the wall; first it is Billy Bragg's English version, and then an older, crackly Burmese version that, I am told, Communist Party of Burma cadres recorded in the 1950s at a base somewhere along the Myanmar-China border. A video then follows. Talking heads and a newspaper montage give us a fifteen-minute run down of the 1886 Haymarket Affair—the violent repression of Chicago labor organizers and leftists that sparked the global movement for International Workers' Day. As the video plays in English, a Yaung Chi Oo staff member provides a Burmese-language summary of the 1886 event.

When the video ends, Ko Htun—a member of Yaung Chi Oo's staff—stands before the audience and delivers a speech about the legal rights of migrant workers in Thailand. He is then followed by others: individuals from the Burma Lawyers' Council, the Democratic Party for a New Society, the visiting group of British trade unionists, the MAP Foundation, and myself. The most interesting speaker, it seems to me, is a Myanmar man who talks of his own experience organizing with his coworkers and pursuing a case through the Mae Sot LPO. His account is sober, but practical. He relates the steps that he and his coworkers took, the challenges they faced along the way, and the limited gains—in wages, primarily—that they achieved in the end.

Figure 8. Myanmar migrants demand the minimum wage on an International Workers' Day march through Mae Sot in May 2012. Author's photograph.

The trivia game that follows is similarly didactic in intent. A speaker up front calls out questions on Thai labor law and the minimum wage in Tak Province. With monetary prizes for the winners, the audience is more visibly engaged than was the case during the speeches. Many raise their hands, call out their answers, and laugh at their erroneous guesses. Many, indeed, are incorrect. Evidently, few of the migrants sitting here are knowledgeable regarding the law that covers their employment in Thailand.

As the trivia contest comes to a close, we prepare for a demonstration march through town. Yaung Chi Oo members take the banners down from the walls and distribute them to those migrants who will carry them on our march. We line up along the road, and the individuals holding the banners position themselves at the front of the group. As we head out, Ko Htun informs me that this is the first year in which Yaung Chi Oo has felt secure enough to organize an independent May Day march like this through Mae Sot.

Although not everyone from the morning's event has joined the march, there are still well over a hundred people walking with us. At first everyone files out of the hall and remains quiet. But then Ko Htun calls out a chant, in Burmese: "Obtaining workers' rights is our demand, our demand!" Calling out, a second time, the first half of this chant, some of the migrants in the procession respond, accordingly, with the correct refrain: "Our demand! Our demand!" Ko Htun follows with another: "Passport brokers are liars! Beware! Beware!" Pitched the next moment as a call eliciting a response, nearby marchers respond, "Beware! Beware!" At first, some of the migrants walking with us are hesitant to chant. A few of them giggle awkwardly as they look to each other for reassurance. But Ko Htun continues confidently. More of the migrants in our group start, gradually, to shout in unison with the appropriate refrain: "Our demand, our demand!" or "Beware, beware!" as the case may be. When Ko Htun gets tired, there comes forward another energetic chant leader, Ko Maung, who works in Mae Sot as a general construction laborer. We march together through the market, down the town's main road, around the Mae Sot district government compound and onto the grounds of the town's central high school.

As we approach the high school's football field, where the government-sponsored May Day football tournament is underway, Ko Htun offers us suggestions on how to proceed. We should make a point of raising the volume of our chants, he says, and directing our march to the front of the stands, where Thai government officials are sitting alongside the announcer who is providing running commentary on the ongoing matches. And so, as suggested, we take our march to the front of the officials, calling out as we walk, "Obtaining workers' rights is our demand, our demand!" It is, however, soon evident that we attract little concern from the government officials in attendance.

As we arrive at the edge of the field, two football matches are simultaneously underway. Most of the teams competing today are composed of migrant factory workers. The tournament is part of the "official" May Day rally organized by the Thai government in partnership with several international organizations, including ADRA, the IOM, and the IRC. Of the five hundred or so people in attendance, the vast majority are migrant workers from Myanmar. Observing these migrants playing and cheering under the auspices of the Thai government, a Yaung Chi Oo colleague leans over to me and remarks in dismay, "These international organizations have collab-

orated with the Thai government for May Day, but the meaning of May Day has been lost."

May Day 2013

As is often the case, I find myself returning from a Burmese tea shop in Mae Sot's central market around seven in the morning. As I exit the market, I pass a group of a hundred or so migrants walking out of the centrally located CC & C garment factory. They are on their way to the Mae Sot police station to gather for this year's government-sponsored May Day rally. Their destination is evident from the football jerseys they wear—uniforms with the name of their company emblazoned across their backs.

I head to the police station a short while later in order to join the migrants gathering there. In the station's parking lot—mostly empty of vehicles, for

Figure 9. Uniformed migrant factory workers gather in the parking lot of the Mae Sot police station for a government-sponsored International Workers' Day parade in May 2013. Note the police detention truck on the left-hand side. The costumed figure standing at front is a *ngaw'bpa*, a character from Thai folklore. Author's photograph.

the moment—I see a few hundred migrants lined up and sorted according to their respective factories. Each group is distinguishable by the color-coded football jerseys they wear, which their employers have provided for the day's event. On their backs I read names like Mae Sot Ceramics, CC & C, and TK. Standing at the front of each group, select workers hold broad banners indicating their respective factories.

The workers here are lined up for a parade—not a demonstration, and certainly not a protest. This particular May Day celebration has been organized by the Mae Sot LPO, which invited local factory owners (via the FTI—the Federation of Thai Industries) to participate and send their migrant employees to the event. Behind the waiting migrants—overwhelmingly undocumented, it needs restating—are two police detention trucks, parked and empty. On any other day, these trucks might be filled with migrants—perhaps some of the very same migrants lined up here today—to be taken to the police detention center or to the border for deportation. In addition, there is a handful of cops sitting on their motorcycles watching the migrants as they gather. Considering what to me seems an absurd situation, I ask one of the migrants standing in line whether it feels strange to be gathering, undocumented, at the police station for International Workers' Day, under the auspices of the police themselves. "No," he replies, "It's nothing. It's May Day." To me, however, this situation—including the police presence and my interlocutor's casual indifference—is illustrative of Mae Sot's ambiguous mix of coercive and governmental forms of rule.

About two thousand migrants are expected to gather at the police station, and from there walk in orderly file to the football field located at the Mae Sot municipal government building. Along with placards indicating in Thai language their respective factories, some migrants leading the parade carry large photos of King Bhumibol Adulyadej and Queen Sirikit, ubiquitous symbols of legitimation across Thailand. Some of the participating NGOs and Thai government officials wear T-shirts produced by ADRA that read on their backs (in English) Happy Labor Day. Simultaneous with this "official" May Day event, Yaung Chi Oo is running its own alternative rally, similar to the previous year's event that I recounted in the previous section. Wanting to be present for the Yaung Chi Oo rally, I leave the migrants gathering here at the police station.

When I rejoin these migrants at the Mae Sot municipal building a few hours later, they have finished their parade and are in the midst of the now an-

nual football tournament. An ethnic Karen colleague of mine who works for a local organization relates to me the details of what I missed of the government-sponsored May Day event that morning. After the parade, he tells me, an LPO official from the city of Tak, the Tak governor, and the head of Mae Sot's FTI branch spoke in Thai to the audience of mostly Myanmar migrants (few of whom would have understood Thai). First the LPO official spoke of the activities of the LPO; the Tak governor then announced that the Thai government had put on this event for the benefit of the workers, so that they—and particularly the migrants who comprised the vast majority of those in attendance—could enjoy the festivities. Finally, the FTI head spoke positively about the conditions of factory employment in Mae Sot, describing the labor arrangement at these factories as being the best of possible situations.

Present at the football tournament are, I estimate, some two thousand migrants and a few hundred Thais—significantly more participants than the year before. Whereas the previous year's tournament had been held at a Thai high school, this year's event is being held at the much larger municipal stadium. On the announcers' podium I recognize some staff from ADRA and the IOM, who helped organize the event. Migrants not currently playing football are standing around the multiple fields, cheering on their preferred teams. Others are playing cane ball on a court set back from the fields. Itinerant ice cream, fruit, and coffee vendors weave their way through the crowd, selling their wares from mobile carts. The announcer gives a play-by-play account of the ongoing football match in Thai, all the while competing with the din of Thai pop songs coming from several large speakers set up beneath a temporary gazebo. I recognize, as well, some of the LPO staff who are sitting in the shade of the municipal building.

There is, of course, a certain irony to this event, which lies in its limits. By this I mean that governmental rule, as performed on this day in "celebration" of migrant labor, is greatly overshadowed by the everyday reality of coercive policing in Mae Sot. Outside this brief time and place, most of these migrants confront not the benevolent "left hand" of the Thai state—represented here by the LPO—but rather the state's disciplinary "right hand"—that is, the police and their ever-present threat of extortion, arrest, detention, and deportation.

But not everyone takes this event—and the LPO's presence—at face value. As I wander among the crowd, I encounter by chance Ko Aung, a migrant I know who operates a power loom at the King Knitting garment

factory. A short while into our talk we arrive at the subject of the LPO and its hosting of the May Day football tournament. "The LPO is useless," Ko Aung tells me. "They opened the LPO for the benefit of the Thai people—not for the benefit of Myanmar people."

There is a clear tension between the two events described here. The Yaung Chi Oo–sponsored event encouraged a sense of confrontation between migrants and (aspects of) Mae Sot's labor regime. By contrast, the event cosponsored by several international NGOs, government agencies, and the Mae Sot branch of the employers' federation encouraged migrants to consent to the area's overarching regulatory arrangement. And yet, despite the differences between these two events, both were shaped and made possible by the increasing incorporation of Mae Sot's migrant population into governmental networks. This incorporation has been in large part an outcome of various humanitarian programs, migrant rights' advocacy, and workers' struggles. In neither case, however, were these events—as governmental interventions themselves—completely effective at shaping the desires or conducting the conduct of migrants. Not all migrants attending the Yaung Chi Oo event went on to organize their coworkers to make collective demands, and not all migrants attending the "official" government event accepted that the performance established the event's sponsors as benevolent (or even neutral) parties acting in the interests of migrants, as is evident in Ko Aung's straightforward rebuke of the LPO. Yet neither were these events wholly ineffective as part of a broader hegemonic formation. Mae Sot's migrants have, with the support of various NGOs and CBOs, continued to recognize the LPO as a rights delivering agency, and they have consequently directed their demands to this office, which presents itself as a neutral arm of the Thai state rather than a partisan defender of capitalist interests. The incorporation of migrants into governmental networks has thus shaped and made possible certain forms of workplace struggle. Yet the official channels through which migrants may submit employment grievances have also imposed limits—legally, at least—on how redress may be pursued.

The regulatory arrangement of migrant labor in Mae Sot has developed out of a dialectic between workers' struggles and the efforts of state actors and industrial capitalists to contain industrial unrest. State agencies—and the LPO, in particular—have sought to cultivate worker acquiescence to a set of

industrial relations mechanisms that aim to curb the threat that workers pose to what are ultimately highly oppressive and exploitative relations of employment. And yet, as a governmental assemblage in which a range of parties have pursued varied (and often conflicting) interests, the local arrangement of migrant labor remains highly contested. Understanding the multiply constituted character of this regulatory arrangement allows for investigation—which will come in subsequent chapters—of how migrants have themselves been a party to its formation, and further, how migrants' responses to the difficulties they face have themselves been shaped and made possible by the regulatory arrangement under which they live.

What the historical overview of this chapter adds to an understanding of this regulatory configuration is an elucidation of the ways in which governmental interventions that seek to bolster the status quo are, in fact, concessions. Like the 1975 promulgation of the LRA, and the 2004 establishment of Mae Sot's LPO branch, these consent-seeking regulatory initiatives were only reluctantly pursued by state actors (and only reluctantly participated in by local factory owners) following the confrontational struggles of workers—initially Thai nationals, and later undocumented migrants from Myanmar. It is for this reason that we can speak of a process of capitalist recuperation; state actors and industrial capitalists have repeatedly sought to appropriate subversive struggles, so as to redirect them toward conservative ends that reproduce the status quo.

There is, however, also a sense of something in the demands of migrants on the border, and especially among the more confrontational migrant organizations like Yaung Chi Oo, that threatens to overflow the permissible bounds of Mae Sot's status quo. At the very least, Mae Sot's development as a hub of low-wage, flexible labor—as a key node of Thailand's border capitalism—risks coming apart if the migrants residing therein were ever to obtain in full the wages and conditions of work owed to them under existing Thai law. This tension between governmental interventions promising rights and justice, and the reality of subminimum wages and working conditions backed by coercive policing, leads to the frequent ambivalence of migrants toward official industrial relations mechanisms. It also ensures the persistent threat that migrants may, like the individuals who allegedly torched the Saha Farms chicken processing plant, respond to their grievances with disruptive actions pursued outside of officially acceptable channels.

Chapter 3

Mobility Struggles

Daw Htay—in her fifties, but still working construction—tells me her wages are up due to a recent shortage of workers. It is March 2012, shortly after my return to Mae Sot, Thailand, following a six-month absence. And indeed, Daw Htay's words seem in line with what I have observed myself: job advertisements, written in Burmese, hang on storefronts in the central market and on doors of gated garment factories in greater numbers than before. Yet what struck me most upon returning a few weeks earlier was the mass departure of migrants. As a border-based export processing zone, Mae Sot has long served as the primary port of entry for Myanmar migrants seeking employment in Thailand, but the district's role as a mere transit point for these migrants has never been so visible. Queues at the offices of private passport companies now spill out onto the sidewalks and streets. Ticket vendors at the main bus station have put up signs in Burmese, catering to their growing clientele of registered migrants "legally" leaving the border area. Transit companies have likewise increased the buses servicing their Mae Sot-Bangkok lines in order to accommodate these newly mobile migrants.

The impact of these changes on Mae Sot's labor situation was noted at the time in rather alarmist tones in an article published in the *Nation* newspaper, one of Thailand's two main English-language dailies.[1] "Employers in five border districts of Tak [Province]," the author warned, "face a shortage of workers as many migrants have 'escaped' to work in inner cities." This flight of labor from the border area was due, we were told, to "gaps in the law" and "the failure of government officers to protect employers and stop migrant workers from traveling to inner provinces." Apparently these migrants had taken advantage of a legal loophole that had opened up with the recently introduced migrant registration plan, which granted holders of special "temporary passports" freedom of movement in Thailand. As a result, when Myanmar migrants holding these documents had tried to leave the border area, "the police [made] no attempt to stop their travel." The problem was compounded for a minority of Mae Sot employers who had advanced the money for their foreign employees to register for these documents. The reason was that, as soon as these Mae Sot–based migrants acquired their new passports, they typically quit their jobs and ran "off to the cities for higher pay." But what was to be done? "The state," lamented local employers, simply "overlook[ed]" their difficulties.

This article from the *Nation* made explicit what were, at the time of its publication, growing tensions between Bangkok's policymakers and Mae Sot's employers over the latest migrant registration plan, which afforded migrants a hitherto forbidden legal mobility. The granting of freedom of movement to registered migrants was meant to stabilize the supply of cheap labor for employers in central Thailand, who lacked the easy access their border-based counterparts enjoyed to a stable pool of low-wage, undocumented migrant workers. As the article in the *Nation* makes clear, however, for Mae Sot's employers the mobility of migrants—specifically their ability to legally leave the border area—was a potentially devastating entitlement. If migrants were free to leave the border area for higher-paying jobs elsewhere in Thailand, the resulting labor shortage would either drive up wages for those migrants remaining in the border region, or force border-based firms to close due to a lack of workers.

The disruptive implications of workers' outward mobility, as hinted at in the *Nation* article, raises significant questions for analysis of Asia's many export processing zones (EPZs). In the last decades of the twentieth century, EPZs emerged as dominant growth strategies for many Asian countries

pushing toward export-oriented industrialization. To date, the literature on EPZ development in Asia, both critical and complimentary, has tended to emphasize the central role of state planning in determining the geographic arrangement and regulation of these sites.[2] Advancing a critical analysis of EPZs as spaces of exception, Aihwa Ong, for instance, has sought to understand their spatial deployment in terms of "zoning technologies," by which states seek to "achieve strategic goals of regulating groups in relation to market forces."[3]

State-focused analytics, such as that which Ong provides, situate their gaze on the role of government policy in shaping EPZ development, as a spatialized regulatory arrangement serving the interests of capital accumulation. Yet the situation I encountered in Mae Sot in early 2012 suggests a number of limitations to state-centric analyses of EPZ formation. First, while state planners may envision EPZs as the consummation of their ambitious fantasies of development and rule, on the ground such projects have never been perfectly realized.[4] Second, conceptualizing the realities of EPZ development in terms of well-laid-out state policy risks ascribing to states a singularity of agency and level of control that they simply do not have. What ends up being missed are the "conflicting claims to the right to rule," which persistently play out among competing government institutions and inevitably frustrate the unified implementation of any state project.[5] Third, privileging the determinative role of state and capital in EPZ formation risks obscuring any power that workers themselves may possess to reshape the capitalist landscape. How, then, might we understand EPZ formation, taking into account these multiple concerns? Or, rather, by what practices are EPZs in fact constituted? And through what sorts of conflicts is EPZ development disrupted?

As a useful corrective to state- and capital-centric geographies of labor, Andrew Herod has argued for a mutually constitutive dynamic where workers "are active geographical agents whose activities can shape economic landscapes in ways that differ significantly from those of capital."[6] Concerned, for instance, with their immediate self-reproduction, Herod argues that workers may engage in a "spatial praxis" that has the potential to undermine the spatial fix that capitalists employ to offset crises of profitability.[7] Illustrative of this spatial praxis, suggests Herod, are various tactics that workers have used to anchor capital investment in given locations. Conceptualizing workers as active geographical agents also allows, however, for investigation into how workers' *mobility* threatens the spatial organization of

capital and plays out as a form of class struggle in particular instances. This is class struggle, then, in the Lefebvrian sense of a contestation of social space.

As regulatory enclaves of industrial production, the capitalist geographies of EPZs are a function of their borders. Anthropologists have come to increasingly understand borders as being processually constituted through the practices of actors residing at and passing through these sites rather than as something fixed by coherent state policies.[8] Conceptualizing borders in this way enables analysis of EPZ formation in which the meanings and effects of their borders—and thus of the capitalist geographies that these borders produce—are contested, transformed, and reestablished on a daily basis. Significantly, those engaged in the contested production of borders—and with them the landscapes of border capitalism—include the many migrants who regularly cross these borders, whether legally or otherwise. This latter point is crucial for understanding Mae Sot's recent transformations, because the viability of the district as an industrial center has for so long depended on restrictions against migrants legally leaving the zone for higher-paid employment elsewhere in Thailand.

Seeking to ensure a concentration of cheap migrant labor in Mae Sot, police checkpoints on the main highways out of town have for years worked to stem the flow of migrants from the border area to higher-paying provinces in central Thailand. It is under these movement restrictions that migrants have struggled and negotiated over their mobility—disrupting, in the process, the border area's economic landscape. Yet the particularities of migrants' mobility struggles are bound up in shifting processes for migrant registration in Thailand, the developments of which I trace in the section that follows. Subsequently, in order to shed light on the contested character of migrants' mobility in Mae Sot, I zoom in ethnographically on the disputed registration process that was in place from 2009 to 2014, during which time a more liberal state policy facilitated the relocation of migrants out of the border area.

Transformations of Migrant Registration in Thailand

It was in the late 1980s that migrants began crossing from Myanmar into Thailand in significant numbers. Until the mid-1990s, however, there were no formal channels through which these individuals could register for legal residence and work in their host country. Despite this lack of registration

options, Thai business owners intensified their employment of migrants in response to a domestic labor shortage that grew out of the country's 1987–96 economic boom. Under conditions of expanded migrant employment, existing government restrictions on migrant residence and work prevented the stabilization of labor supplies for employers in central Thailand. Given the insecurity of undocumented migrants, and the difficulty of renewing migrant workforces at enterprises far from the border, business owners in labor-intensive sectors began lobbying the Thai government to institute a system of migrant registration.[9]

Before 2001 the Thai government's policies on migrant registration were restricted in their coverage to certain border provinces and certain occupational sectors, such as fisheries and construction.[10] In 2001, however, under the direction of pro-business prime minister Thaksin Shinawatra, the Thai government removed earlier geographic and occupational sector restrictions on migrant registration but maintained restrictions on migrants' legal mobility outside the workplace. While migrants could be legally employed in more occupational sectors and more geographically dispersed provinces than before, those seeking work in central Thailand still depended on human smuggling in order to get from the border area to their workplaces. Only after starting work at their place of employment could they apply for legal documentation.

A significant change in the issue of migrant mobility occurred in September 2008, when the Thai cabinet announced a new "nationality verification process," according to which registered migrants would be legally entitled to travel throughout Thailand.[11] While the official fees for this registration process (which began in 2009) were initially over nine thousand baht, the Thai and Myanmar governments reduced their respective charges in December 2012, bringing the total cost below five thousand baht as a means of further encouraging migrants to apply. The officially stated costs of registration do not, however, accurately reflect the actual amounts paid by the vast majority of migrants.

Due to the complex registration procedure, and persistent processing delays within the Thai Department of Employment, there was a de facto outsourcing of the application intake stage to a plethora of private passport companies and independent brokers, which typically charged 50–100 percent more than the officially stated registration cost. The operations of these private agencies, and the dependency of the Department of Employment

on them, led to persistent complaints of corruption and fraud in the registration process. One Reuters journalist summed up the process, noting that "over the years, the convoluted paperwork required spawned an exploitative industry of middlemen who cut through the red tape—at an exorbitant cost."[12]

The difference for migrants traveling to central Thailand from the border area under the nationality verification process versus the prior arrangement was made clear to me by one registered, Bangkok-based migrant, who explained, "At that time [before the nationality verification process], you just paid once [to human smugglers], and that was it. Now the government is always demanding money and you need to get all these forms processed. Previously you couldn't travel freely, but you could save more money. Now you have to pay lots to the Thai government."

Human Rights Watch has argued that the restrictions imposed by the Thai government on the nationality verification process, such as the requirement that migrants must register under the name of an existing employer, have been motivated by "national security" concerns and have created barriers—financial and otherwise—to registration. The result has been a widespread lack of documentation among migrants—a situation from which "neither employers nor their migrant workers benefit."[13] It is important to note, however, that migrants' lack of documentation can indeed benefit employers, who leverage the "illegal" status of their employees to keep wages below the legal minimum. It is also more difficult for undocumented migrants to quit poorly paid work to seek higher-paying jobs elsewhere, as these individuals are in constant danger of detention, extortion, and deportation while traveling outside the workplace. Employers thus make use of the state enforcement of migrant registration in order to keep down labor costs at the same time as they circumvent this enforcement by hiring undocumented migrant workers.

The nationality verification process has aimed to achieve the registration—in technical terms, the "regularization"—of undocumented migrants already living and working in Thailand. Concurrently, the Thai and Myanmar governments have introduced a separate bilateral Memorandum of Understanding (MoU) covering formal labor recruitment for Thailand-based employers from within Myanmar. Under the terms of the MoU agreement, individuals within Myanmar may obtain legal documentation for residence and work in Thailand and will be connected with employers in Thailand

via labor recruitment agencies operating within Myanmar. In contrast to the nationality verification process, those registered under the MoU process have no right to independently change employers in Thailand; if they wish to change employers, they are required to inform the labor recruitment agency in Myanmar under whom they are registered, then return to the office of this agency (in Myanmar) and from there wait to be dispatched to a new employer in Thailand. These recruitment agencies, as private labor market intermediaries, are thus enlisted into the state project of regulating migrant labor and restricting migrant mobility. The effect of this restriction on registered migrants independently changing employers in Thailand has been to create a legislated dependency of migrants on labor recruitment agencies—thereby producing a system of "legal human trafficking," according to Thai migrant rights activists.[14] Yet this situation is by no means unique to migrants in Thailand. Indeed, since the latter decades of the twentieth century there has been a significant increase globally in the proportion of workers (migrant or otherwise) employed through labor market intermediaries—the conditions of their employment often entailing new forms of bonded labor.[15]

At the time of my fieldwork, the number of migrants registered under the MoU remained far lower than the number of those registered under the nationality verification process. In Mae Sot, for example, of the 23,156 migrants registered by October 2013 with employers based in the five border districts of Tak Province, only 2,362 (or 10%) were registered under the MoU.

Like the nationality verification process, the MoU has been similarly marred with charges of fraud and corruption. In May 2013, for example, the Myanmar Ministry of Labor suspended twelve of the country's largest labor recruitment agencies on the basis of "alleged corruption and exploitation of migrant workers."[16] Shortly thereafter, in June 2013, a group of two hundred individuals who had applied for work in Thailand under the MoU staged what was dubbed "the first worker protest" ever held in Myawaddy, demonstrating against a local labor recruitment agency to which they had paid money and been made to wait seven months with no offer of employment in Thailand.[17]

Despite the problems involved in the nationality verification and MoU processes, these registration channels have enabled many migrants to bypass the poor wages and working conditions of Mae Sot to secure higher-paid employment in central Thailand. It is thus under the conditions of the na-

Figure 10. Myanmar migrants wait for their registration documents outside the office of a Mae Sot temporary passport company. Author's photograph.

tionality verification process that the following accounts of migrants' engagement with registration and mobility are situated.

Bolstering the Economic Dam

Johnny's Office, as it is locally known, is the Mae Sot franchise of a much larger Thai "manpower" company. Under the management of Ko Johnny, a charismatic Myanmar Muslim man in his early thirties, and a female Thai business partner, this office had become one of the most successful passport companies in the Mae Sot area. In part this success was due to the office's prime location immediately opposite the Mae Sot branch of the Thai Department of Employment, where all migrant registration applications had to be submitted. Ko Johnny also attributed the popularity of his business among migrants to the fact that he did not defraud applicants, as did other passport companies. When he established this central office in mid-2011, only thirty migrants applied for registration during his first month of operation, but by

early 2013 he had expanded his franchise to include three offices in Mae Sot, with another six branch offices in Mae Sot's neighboring districts, employing a total staff of fifty-four clerks who processed between three thousand and four thousand migrant registration applications per month.

When Johnny's Office opened in 2011, there were few other passport companies in Mae Sot. Shortly thereafter, however, the number of passport companies exploded. By the time of my fieldwork there were upwards of a hundred such companies operating in the district. The primary function of these offices was to process applications for migrant passports and work permits under the terms of the nationality verification process. Officially, employers could submit migrant registration applications directly to the Department of Employment. Due to the complicated and time-consuming application process, however, local employers wishing to register their workers typically applied through private passport companies like Ko Johnny's. Migrants wanting to register who either lacked employers or whose employers were unwilling to arrange registration could apply through these companies on their own. Such applicants would, for the purpose of registration, be provided with the name of an employer for whom they would never actually work. According to an assistant manager at Johnny's Office, passport companies could "rent" from legal employers the use of an employer's name at a cost of three thousand baht (for Mae Sot employers) or four thousand baht (for Bangkok employers) per applicant.

This arrangement meant that, beginning in late 2011, Mae Sot's migrants began applying in large numbers for migrant passports and work permits. In a minority of cases, Mae Sot employers arranged this registration for their employees, with the cost to be subsequently reclaimed through monthly wage deductions. More commonly, however, migrants made arrangements with employers in central Thailand, who would advance the cost of registration and travel in exchange for the migrant's commitment to work until this cost was repaid. This relation of indentured servitude is an instance of what Jan Breman has labeled "neo-bondage." It can be considered *neo-*, Breman argues, because it is "less personalized, of shorter duration, more contractual, and monetized" when compared to precapitalist forms of labor bondage.[18] As an alternative to such debt-based labor contracts, some migrants in the border area have independently borrowed the money needed for registration, acquired passports and work permits registered with the "rented" name of an employer, and then made the trip to Bangkok hoping to secure employ-

ment upon arrival. Hence, in the majority of cases, newly documented migrants soon left the border area with hopes of future employment elsewhere.

The most prevalent reason migrants sought work in central Thailand rather than Mae Sot was the significant disparity in wages. Officially, up until 2013, minimum wage rates were variably set at a provincial level, with the rate for Tak Province (where Mae Sot is located) being among the lowest in the country. In 2012 the minimum wage in Tak Province was 226 baht per day, while in Bangkok it was 300 baht per day. Official rates, however, are deceptive. The vast majority of migrants in the Mae Sot area are paid less than the legal minimum; hence, despite a new wage policy that set the minimum pay rate for all provinces at three hundred baht per day starting January 2013, the actual wages in Mae Sot have remained substantially lower than those in central Thailand. Indeed, most of the migrants I knew in Mae Sot during the time of my fieldwork were paid between one-fourth and one-half the legal minimum. There was thus a strong economic pull on migrants to leave the border area in order to work in central Thailand, where wages were at, or at least closer to, the legal minimum.

Until 2011, migrants' means of relocation from the border area to central Thailand were effectively limited to human smuggling operations. This was both insecure and costly. Beginning in late 2011, however, the proliferation of passport companies in Mae Sot suddenly made relocation from the border area to central Thailand significantly easier and more secure. It was the resulting large-scale departure of migrants from Mae Sot between late 2011 and mid-2012 that was, according to the *Nation* article mentioned earlier in this chapter, creating a local labor shortage.

Within Thailand, border industrial zones like Mae Sot have been domestically promoted as "economic dams" by which to prevent the "contamination" of migrants into the country's central provinces while maximizing the economic benefit of this important supply of cheap labor.[19] To these ends, there are two significant borders in operation around Mae Sot, as outlined in this book's introduction. First, there is the geopolitical border dividing Thailand and Myanmar that serves not to restrict migrants' entry into Thailand but only to establish these individuals as low-wage, precarious workers, stripped of claims to rights as citizens. Second, there is the internal border around Mae Sot created by police checkpoints, which serves to obstruct migrants' travel to central Thailand while ensuring a local concentration of cheap labor. Drawing on cases such as Mae Sot, Sandro Mezzadra and Brett

Neilson have argued that such internal borders serve the primary purpose of segmenting labor markets—establishing, that is, distinct populations with different conditions of exploitation.[20] Hence, by relocating out of Mae Sot, registered migrants were, in effect, taking advantage of the demand for labor in central Thailand in order to circumvent this internal border, thereby contesting Mae Sot's role as a low-wage economic dam. In response, Mae Sot employers, as the *Nation* article informed us, began criticizing the Thai government's lack of intervention in curbing the outward flow of migrants.

It was at Johnny's Office that I first learned how Thai government authorities were going to respond to the request for intervention by Mae Sot employers. On the morning of June 24, 2012, I sat on a wooden bench at the open-air front of the office, conversing with a group of rather frustrated migrants. These half dozen men and women were clients of Ko Johnny, but their plans to obtain higher-paid work in central Thailand had suddenly been derailed: the previous night the police operating the checkpoint just outside Mae Sot had stopped them on their way to Bangkok. Though these migrants possessed valid migrant passports, the police had prohibited them from continuing on their bus ride and forced them instead to hire motorcycle taxis to drive them back to Mae Sot. This sudden restriction on travel was catastrophic; most of these migrants had borrowed money to cover the high cost of registration, intending to repay their debt with the higher wages they expected from future employment in central Thailand. They made clear their indignation at this unexpected travel restriction when we spoke: "I've been turned back twice already. What's the value of this passport if we can't go to Bangkok?" "If we can't go to Bangkok, then they've got to give us the Bangkok wage here." "Now in Mae Sot the wage is seventy, eighty baht. How can I feed my children on seventy, eighty baht a day?"

Ko Johnny arrived and joined our discussion. He confirmed the migrants' account of the recent events and explained that, having gone himself to inquire at the checkpoint, the police had candidly told him that Mae Sot business owners had asked the government of Tak Province to prohibit documented migrants from proceeding on to Bangkok. In response, the deputy governor of the province had personally issued these new restrictions on migrant travel. The reason for the request and the deputy governor's subsequent directive, according to the police, was that local business owners were facing a shortage of workers. In effect, the new restriction on migrant travel was a means of shoring up the economic dam—containing the outward flow

of migrants, which otherwise threatened the economic viability of Mae Sot as a low-wage-dependent industrial center.

What is analytically significant here, for the argument of this book, is that these restrictions were implemented *in response to* the efforts of Myanmar migrants to leave the border region. They were not preemptive measures. Recognizing this sequence of actions allows us to see the primacy of migrants' mobility struggles in catalyzing transformations in the regulatory geography of Mae Sot's border capitalism.

Tactics of Spatial Praxis

In response to the new travel restrictions, and in support of migrants' freedom of mobility, Mae Sot's migrant support organizations pursued a variety of strategies. On June 28, 2012, members of the Migrant Rights Promotion Working Group (MRPWG), myself included, visited the provincial head of the Department of Employment in the city of Tak and submitted a joint letter calling for a repeal of the restrictions. Staff from the International Rescue Committee (IRC) also agreed to submit a claim about the new restrictions through Thailand's Human Rights Commission. Following this, the MAP Foundation, itself an MRPWG member, issued an open statement criticizing the restrictions, and pointing out that while migrants were "being blamed for the borders' problems . . . the real cause of the problem of the shortage of workers in Mae Sot is the appalling working conditions."[21] Despite these efforts, the travel restrictions remained in force. Indeed, months later, when I asked an IRC staff member what had come of the Human Rights Commission submission, she informed me that there had been no indication that the claim, although clearly submitted, had even been processed.

The prohibition on migrants' travel out of Mae Sot was not, however, absolute. This was due to the fact that the movement restrictions that Mae Sot business owners had demanded threatened the labor needs of employers in central Thailand. Under the terms of the nationality verification process, migrants had to be registered under the name of a legal employer in order to acquire a passport and work permit. If registered migrants wished to change their employer, they had fifteen days to do so upon quitting work, after which time their visa for Thailand would expire. According to the recently introduced travel restrictions, migrants whose work permits were registered

with employers elsewhere in Thailand were free to leave Mae Sot, but migrant passport holders registered with employers in Mae Sot, or not yet registered with any employer, could not leave the border area without a work transfer document issued by the Department of Employment upon receipt of an employer's signed application form. This condition, in effect, required that new migrants arriving in Mae Sot had to first legally work with a Mae Sot employer before relocating to central Thailand for higher-paid work. In addition, those legally registered with Mae Sot employers were dependent on their employer's goodwill in order to get the requisite form signed and obtain the needed work transfer document that would allow them to pass the checkpoints on the road to Bangkok.

Thus, facing an imminent labor shortage, and under the conditions of the nationality verification process, Mae Sot business owners employed a variety of tactics to stabilize their supply of cheap migrant labor. First, the majority of Mae Sot employers were reluctant to arrange registration for the migrants in their employ. Second, employers lobbied the government of Tak Province to curb the outward flow of migrants, leading to the travel restrictions introduced in June 2012. Third, employers withheld the documentation of legally registered workers, a practice that rendered registered migrants effectively undocumented and thus at risk of detention and extortion from the police should they travel outside their workplaces. Fourth, when registered workers quit, their employers often refused to return their passports and work permits or to sign the forms required by the Department of Employment in order to issue work transfer documents.

This is, of course, not the end of the story. Migrants seeking to leave the border area for employment in central Thailand developed their own tactics, both legal and extralegal, to get past the checkpoints outside Mae Sot. These are the tactics that I am suggesting comprise migrants' spatial praxis, as they challenged the efforts of Mae Sot employers and local government officials to contain migrant labor at the border region. These are also the types of tactics that Sandro Mezzadra and Brett Neilson refer to as "border struggles," by which migrants individually transgress, but collectively undermine, the borders constitutive of labor market segmentation.[22] In the case of Mae Sot, such tactics were multifaceted. First, registered migrants who wanted to leave for Bangkok would quit work and demanded that their employers arrange their work transfer documents. Typically, employers were unwilling to comply. There were thus a series of cases I followed where mi-

grants sought assistance from the Yaung Chi Oo Workers Association to obtain these forms, despite their employers' intransigence. Yaung Chi Oo staff helped these migrants submit cases to the Mae Sot Labor Protection Office (LPO) on the grounds that their employers were violating Thai labor regulations, which stipulated that employers were required to sign the requisite forms for the work transfer documents. In such cases, the LPO provided written guarantees, which these migrants took to the Department of Employment and used, in lieu of the requisite form signed by their employers, to obtain their work transfer documents. The relative efficacy of this circuitous tactic was made clear at an MRPWG meeting on February 27, 2013, attended by the head of Mae Sot's Department of Employment, who informed those of us present that the local employers' association had repeatedly complained to him over having granted so many work transfer documents to migrants despite lacking their employer's authorization form.

As a second tactic for getting past the checkpoints, those holding passports with work permits registered with Mae Sot employers, or passports without work permits, soon realized that they could bribe the police operating these checkpoints. The amount required for such bribes (or extortion, depending on how these transactions are viewed) was typically five hundred to a thousand baht at each of the three checkpoints.[23]

Illustrative of this use of bribery for getting past the police checkpoints outside Mae Sot is the case of Ma Oo and her husband Ko James. By the start of 2013, Ma Oo and Ko James had worked for over five years at various garment factories in Mae Sot District. They finally decided to relocate to Bangkok for work in April 2013, almost a year after the travel restrictions on registered migrants had been introduced. According to Ma Oo, significant inflation in the local price of basic commodities, without a corresponding increase in wage rates, had motivated the couple to consider the move to Bangkok, despite the comfort of familiarity that Mae Sot offered. Ma Oo possessed a migrant passport, but her visa had long since expired because she had not kept up the confirmation of her residency, which required visiting the Mae Sot immigration office every ninety days. She had also never obtained a work permit.

Ko James had no documentation whatsoever. When I spoke with him shortly before the two of them were planning to leave the border area, he outlined their plan: Ma Oo would first travel in advance by bus to Bangkok. Since she had no work permit and her visa had expired, she would give a

bribe of five hundred baht to the police at each of the three checkpoints outside Mae Sot, for a total of fifteen hundred baht, in order to be allowed through. Ko James explained that Ma Oo would place a folded five-hundred-baht bill in the pages of her passport prior to arriving at each of the checkpoints. "The police will understand," he assured me. Since Ko James had no documentation whatsoever, he would go separately with a human smuggling agent, who charged eleven thousand baht, to be reclaimed out of future wages. This arrangement worked because the employer would pay the requisite amount to the smuggling agent, and would then take future deductions from Ko James's wages in order to recover this cost.

As illustrated in the case of Ma Oo and Ko James, human smuggling was a third tactic migrants employed to get past the checkpoints outside Mae Sot. Such operations remained viable throughout the 2009–14 period, despite the formal existence of legal alternatives. Although viable, human smuggling remained an insecure option, and migrants were regularly arrested traveling in this way. On May 13, 2013, for example, Radio Free Asia reported that eighty-one Myanmar migrants had been arrested the previous day at the north end of Mae Sot District as they were being smuggled to Bangkok for employment as factory workers, construction workers, and domestic servants.[24] Aside from the June 2012 travel restrictions, reasons migrants provided to me as to why human smuggling remained viable despite the existence of legal alternatives were as follows: many migrants were uninformed about the registration process or had been deceived by smuggling agents; migrants were able to get the cost of smuggling advanced in whole or in part by their future employers; or migrants found the wait time for the registration process too long and could, if they so desired, register later after being smuggled to central Thailand.

A fourth tactic to get past the checkpoints was to apply in Mae Sot for registration with a Bangkok employer, rather than a Mae Sot employer, thereby meeting the conditions stipulated in the travel restrictions. This tactic was relatively effective immediately following the introduction of the travel restrictions, and many migrants were able to get to Bangkok this way. In the first half of 2013, however, local government officials caught on to this tactic, and intervened to bring it to an end. To illustrate how migrants, passport companies, local government authorities, and the Mae Sot police adapted to and negotiated over this issue within the migrant registration process, I offer the case of Ko Sein.

Negotiating Mobility

Ko Sein, an ethnic Pa'O man in his early twenties who came from rural Karen State, crossed the border into Mae Sot in early 2013, shortly after he had decided to seek employment in Thailand. His younger sister Ma Chit was already working at this time selling clothing at a large fashion mall in Bangkok, where she earned three hundred baht per day. Ma Chit had originally gone to Bangkok through the human smuggling route in 2009, but had since registered with her current employer and obtained a valid passport and work permit. Through contacts at the mall where she worked, Ma Chit had arranged employment for her brother as a manual laborer unloading shipments of clothing, also for a daily wage of three hundred baht. At the end of February 2013, Ko Sein moved into the home of my neighbor, Daw Nyo (Ko Sein's aunt), with the plan of applying for a passport and work permit, and then relocating to Bangkok. It was Ma Chit who had sent Ko Sein the money to pay for these documents.

Over the course of the registration process, which dragged on for more than three months, Ko Sein remained undocumented, unemployed, and rather bored, lying around his aunt's sparsely furnished home waiting for some resolution to his state of bureaucratic limbo. To pass the time, he frequently came over to my home to hang out, and to get away from his aunt, who soon began nagging him for not contributing to the household income. I therefore got to know Ko Sein fairly well. We often discussed the shortcomings of the registration process, and on numerous occasions I accompanied him to Johnny's Office, where he applied for his passport and work permit.

Although the official cost of registration had by early 2013 been reduced to less than five thousand baht, Ko Sein was unable to meet the requirements needed to get this low price; he did not yet have an employer, and thus could not apply directly through the Department of Employment. Instead, he applied through Johnny's Office, where the cost of registration was at that time eleven thousand baht for work permits registered with Bangkok employers. Ko Sein's aunt, Daw Nyo, had also applied for registration through Johnny's Office; she, however, had only been charged ten thousand baht, since—as she was planning to stay in Mae Sot—the cost of "renting" the name of a Mae Sot employer was one thousand baht less than it was for a Bangkok employer.

Ko Sein, however, wanted to work in Bangkok; he therefore paid the eleven thousand baht required to register with a Bangkok employer in order to bypass the police checkpoints outside Mae Sot.

Ko Sein submitted his application to Johnny's Office at the end of February. The clerk who took his application informed him that his documents would be ready for pickup in just over a month, prior to the Buddhist New Year in mid-April. As it turned out, this estimate was inaccurate. Starting in early April and continuing to early May, staff at Johnny's Office repeatedly told Ko Sein that the processing of Bangkok-registered work permits and passports was delayed due to a high volume of applicants.

As we learned at the start of May, however, it was not, in fact, a simple "delay" due to high volume. Visiting Johnny's Office with Ko Sein at the time, an office clerk informed us that the Tak provincial government had recently changed its rules on migrant registration. She explained that previously migrants registering to work in Bangkok had been able to collect their passports and work permits in Mae Sot, and then legally travel to Bangkok using their newly acquired documents. Now, however, the Tak authorities were no longer allowing the distribution within Mae Sot of passports and work permits registered with employers in other parts of the country. When these documents were eventually ready for collection, we were told, they would have to be picked up elsewhere in Thailand—most likely at the immigration office in Chiang Mai or Bangkok. For that reason, Johnny's Office was now requiring that affected migrants pay an additional one thousand baht to cover transportation to and from the passport pickup location, along with a five hundred baht "police fee," since these applicants would be technically illegal during the trip to get their documents.

This seemed odd to both of us. After all, if Ko Sein had applied through the legal registration process, why did he need to be illegally smuggled to collect documentation for *legal* residence and work in Thailand? In any case, Ko Sein paid the extra money and gathered his belongings to leave that evening. We said our good-byes and I left Johnny's Office, from where Ko Sein would soon leave, I expected, for Bangkok. But things did not work out quite so smoothly.

A few days later, Ko Sein appeared at my front door. By that time he should have been in Bangkok, passport in hand. But on the evening of his scheduled departure, staff from Johnny's Office had driven him and a hundred or so other migrants in a convoy of overloaded minivans to a village

outside Mae Sot. The migrants were put in an empty house and told to wait, as the time was not yet conducive to travel. After two days they were loaded back onto the minivans, driven down a back road, stopped by police, and ordered to return to town. Apparently the "police fee" had been insufficient. So now Ko Sein was back in Mae Sot, still without documentation.

A week later, Johnny's Office tried again to take the migrants out of Mae Sot. This time, while the migrants waited at the same house as before, one of the office staff accompanying them suddenly called out, "Quick, go hide! The police have been informed!" Ko Sein and the other migrants fled into a nearby agricultural field to hide and wait out the impending raid. When things settled, they all returned to Mae Sot. Ko Sein was now thoroughly frustrated at the barriers that kept arising in his efforts to reach Bangkok. "We have already waited a long time and have spent lots of money," he said. "We applied through the legal route, but this [situation] is like the illegal route!" What Ko Sein was pointing to here, in his contradictory experience with the registration process, was a rather unique instance of what Nicholas De Genova has referred to as "the legal production of migrant 'illegality.'"[25] It was, in other words, the law itself—or the selective enforcement thereof, rather than Ko Sein's evasion of it—that had made his status in Thailand "illegal."

As this last attempt to get out of Mae Sot had failed, staff at Johnny's Office told Ko Sein that they would try, yet again, at a later date. Over a week later, Ko Sein had still not heard back about this next attempt. I therefore drove Ko Sein by motorcycle back to Johnny's Office to personally inquire about the situation.

When we arrived at Johnny's Office, I asked a young clerk stationed at the front desk whether they were still accepting applications for Bangkok-registered documents. No, she informed me, their office had stopped accepting such applications a few days earlier, as they could no longer guarantee that individuals so applying would be able to get out of Mae Sot. "If migrants want to register for work in Bangkok," she explained, "then they've got to go to Bangkok to apply." But, of course, migrants could not legally get to Bangkok until *after* they had obtained these documents.

We then inquired with an assistant manager about Ko Sein's prospects for getting out of Mae Sot. "According to the government in Bangkok," he explained, "we're going through the legal channel, but the Mae Sot police won't accept this." He assured us that Ko Johnny had already negotiated with Bangkok government officials about this issue. Although staff at Johnny's

Office had previously told us the problem lay with Tak provincial authorities, the assistant manger was now suggesting the problem was that Mae Sot municipal authorities would not allow the distribution in Mae Sot of work permits registered with employers elsewhere in the country. Indeed, he stated quite bluntly, "It's the Mae Sot government that's at fault." The staff at Johnny's Office were therefore waiting, he explained, for a decision from the Mae Sot government about whether passports with Bangkok-registered work permits would eventually be released for distribution within Mae Sot. "However," he added, "this government isn't easy."

While we sat in Johnny's Office, we had the opportunity to discuss the situation with a group of affected migrants who had been sleeping the past few nights in a small room adjacent to the office. They explained that they were now effectively out of money, and Ko Johnny had been letting them stay in this side room at no cost. Since they had expected to be already working in Bangkok by this time, they had not budgeted for ongoing food and living expenses. "I'm in trouble," one of them told me. "I borrowed this money on credit. If this takes a long time, then [the situation] will be worse." He was under the impression that most of the other migrants who were trying to obtain Bangkok-registered work permits and passports had similarly borrowed the cost of these documents on credit.

As we were discussing the problems of the registration process, another young man waiting nearby joined our conversation. After listening to various migrants relate the difficult situation they were in, he told us that his passport and work permit were already available for pickup that day. The reason, we soon realized, was that his documents were registered with a Mae Sot employer. Curious as to why he was registering in this way, I asked him whether he actually intended to stay and work in Mae Sot. He told me he had no intention of working in Mae Sot; rather, Johnny's Office had arranged to shortly thereafter provide him with a work leave form from his Mae Sot "employer," and with that he would be able to obtain a work transfer document from the Department of Employment that he could then use to get past the checkpoints outside Mae Sot. His plan was to go to Bangkok and look for work, as he did not yet have a job lined up. As though suddenly regretting the choice of seeking registration directly with a Bangkok employer, another migrant in our group nodded and said, "Yeah, that [tactic] is better."

After our lengthy wait for a definite answer about Ko Sein's situation, an assistant manager at Johnny's Office finally responded frankly. "Just wait two

or three more days," he appealed. "I can't say whether we'll be able to do the work permits for Bangkok." And so we left, Ko Sein and I, with the prospect of succeeding in this legal migration route looking as uncertain as ever.

By May 25, a few days after our last visit to Johnny's Office, Ko Sein had moved into the room adjacent to the passport company along with twenty-plus other migrants in the same predicament. Relations between Ko Sein and his aunt had become increasingly frayed, as he still had no income and had been living and eating in her home for three months now. Ko Sein's younger sister had transferred another two thousand baht to her brother, through my bank account, which I withdrew and took over to him at Johnny's Office. When I arrived he showed me to the back of the office and into the cramped room where he and the other migrants in limbo had been living, some for well over a week. Many of these individuals, Ko Sein informed me, were completely out of money. They had been phoning friends and relatives to lend or send them money to feed themselves while they waited for their passports and work permits.

Although we had not seen Ko Johnny himself in weeks, his staff told the waiting migrants that arrangements had been made to take twenty-eight of them by minivan the next day to the immigration office in Chiang Mai, where they would collect their passports and work permits, and from there take the bus to Bangkok. Apparently there was a limit to the number of those who could make the trip each time. While twenty-eight would go the following day, the next thirty or so migrants would have to wait two or three more days, going on a separate trip. So, leaving Ko Sein at Johnny's Office, I said good-bye and wished good luck to him and some of the other migrants I had come to know. Ko Sein promised to call the next day to let me know whether his attempt to get to Chiang Mai had been successful.

As I was leaving, I ran into the assistant manager in front of the office. He told me he estimated that over ten thousand Mae Sot–based migrants who had applied for work permits and registered for work elsewhere in Thailand were similarly stuck in Mae Sot. Although those who had applied through Johnny's Office would be able to reach Chiang Mai to get their documents, he was unsure about those who had applied through other passport companies. The issue had thus not been definitely resolved. "The Mae Sot government," he explained, "is fighting with us [passport companies]." If that was the case, I asked, how would Johnny's Office be able to get the twenty-eight migrants leaving the next day past the police checkpoints?

"We've got an agreement," he reassured me, "with the senior [police] road authority."

I heard back from Ko Sein the next day. He confirmed that he had obtained his passport and was now safely in Bangkok, ready for his new job. I therefore assumed that the second group of migrants at Johnny's Office would be similarly able to get past the checkpoints. A little over two weeks later, however, I came across a Burmese-language news article detailing a protest by forty-five migrants that had been recently staged in front of Johnny's Office.[26] These migrants had been arrested on their way to Chiang Mai to pick up their passports and work permits. The police had subsequently sent them back to Mae Sot, where they had spent three nights in detention before being released. They had staged the protest in front of Johnny's Office because, they said, Ko Johnny had been unwilling to fully refund the money they had paid for registration, claiming that a portion of it had already been submitted to the Myanmar embassy in Bangkok and thus could not be reclaimed.

The experience of this last group of migrants marked the closure of yet another tactic for escaping the border area. Ko Sein had been among the last of the migrants to be able to get out of Mae Sot with documents registered with employers elsewhere in the country. Working around this barrier, migrants continued after this time to register with Mae Sot employers, after which they would obtain work transfer documents and relocate to central Thailand. Alternatively, other individuals registered with central Thailand employers through labor brokers based in Myanmar under the restrictive conditions of the MoU. The struggle over migrants' mobility and the efforts of migrants to escape the border area therefore persisted, despite the obstructionist efforts of Mae Sot business owners and local government authorities.

The case of Ko Sein illustrates how the regulation of labor at EPZs is not determined in any kind of straightforward way by official state policies. Rather, Ko Sein and many other migrants in his situation were caught within the struggles of various state and private actors who were pursuing conflicting objectives. As a consequence, these migrants were able to make instrumental use of certain competing interests (notably, those of Bangkok-based policymakers, the Labor Protection Office, and certain Mae Sot police officers) to negotiate their way out of Mae Sot. In this way, these migrants challenged the efforts of local employers and government authorities to maintain a reserve of cheap labor in the border region. The struggles

presented here thus demonstrate something of the disruptive power of migrants' everyday spatial praxis.

So what, then, were the effects on Mae Sot's capitalist landscape of this flight of migrants from the border area? In many cases, Mae Sot's factories saw a significant decline in their workforce numbers. The number of workers at the Supafine Fashion factory, for example, dropped from around two thousand in mid-2010 to just over five hundred by mid-2012. In some instances, such declines forced factories to close, as they could no longer complete their orders. During the time of my fieldwork there were at least eight such factories, that I am aware of, that closed, but anecdotal accounts from various migrants suggest that the actual number of closures during this period was higher. At those factories whose owners sought to persist in Mae Sot, the flight of migrants from the border area would have presumably strengthened the bargaining position of their remaining workers, better enabling them to push for wage increases, however slight these might be.

I have described here the dynamics of an ongoing struggle over the mobility of Myanmar migrants—specifically over their ability to leave Thailand's border area. In order to relocate to higher-paying areas of central Thailand, Myanmar migrants made use of a range of tactics, including human smuggling, bribery, and legal registration, that were made possible by the conflicting interests of fragmented state actors and institutions. Insofar as these migrants were successful in leaving the border area, their departure challenged the efforts of local employers to fully reap the financial benefits of Mae Sot's position at the heavily trafficked entry point for migration into Thailand. The departure of these migrants from the border area also challenged the efforts of national and regional government authorities to develop Mae Sot as a significant export processing zone reliant on a ready supply of cheap migrant labor.

The struggle over migrants' mobility in this case was thus part of a broader struggle over the geography of Thailand's border capitalism. Recognizing migrants' mobility as a form of class struggle allows for insight into the nature of such struggle as a spatial praxis, with the potential, in its aggregate, to disrupt the capitalist landscape. Analysis of regional development planning, including that of the "zoning technologies" of Asian export processing zones, thus requires a more thorough incorporation of workers' mobility, and the struggle over its control, than has yet been the case.

Chapter 4

Coercive Policing

It is not yet midday as I pull up by motorcycle to a block of storefront homes in a rather isolated part of Mae Tao Mai quarter, just west of the town of Mae Sot, Thailand. All of those renting rooms in this complex are Myanmar migrants. The only Thais I see are some motorcycle taxi drivers lounging in the shade of a nearby bamboo gazebo. I have come here today with my colleague Ko Htun to visit his friend Ko Kyaw, a Myanmar migrant who earns a living selling prepaid phone cards to other migrants in the area, most of whom live and work at the garment factory across the road.

Ko Kyaw is asleep when we arrive, lying on a plastic woven mat behind his vending counter. The sound of us calling his name wakes him, and he quickly offers us instant coffee. He informs us that a group of Thai police officers had come by the block earlier in the day; a police detention truck unexpectedly pulled up, and six cops jumped out, making their way to the various units of the complex. One of the officers came to Ko Kyaw's storefront home and demanded that he present his license to sell phone cards. Ko Kyaw had no such license, nor any idea how one might be obtained, nor even

that there was such a thing as a license to sell phone cards. This cop therefore demanded that he pay a 1,000-baht "fine" in order to avoid being taken away to the police detention center. When Ko Kyaw went to retrieve this money from the back of his storefront home, the cop followed. Unfortunately for Ko Kyaw, when he opened the drawer containing his money the cop spotted 3,000 baht inside and immediately raised his demand to 2,500 baht (about $US80), leaving Ko Kyaw with a single 500-baht bill.

Next door the exchange was not so simple. In this unit, a Myanmar woman was running a vocational sewing class for newly arrived (and wholly undocumented) migrants, most of whom hoped to gain employment at the nearby garment factory. When the police arrived, they detained all seventeen of the mostly female migrants who were attending the sewing class, along with the woman who ran the class, who also worked out of her home as an independent seamstress. The police loaded these eighteen individuals into the caged detention truck and drove off. Once the police departed, a resident of the block who had remained behind telephoned U Gyi, the head of the rather shady Overseas Burma Association (not its real name) to help arrange the release of those taken into custody. Negotiating through U Gyi, the detained migrants were able to secure their release from the police at a charge of 820 baht (plus a 50-baht "car fee") for each of the vocational trainees and 3,500 baht for the woman who ran the class.

The case of police extortion presented here illustrates an everyday concern for migrants in Mae Sot. Indeed, there is nothing exceptional about this case, and Myanmar migrants on the border regularly face situations of this kind. The scale of this extortion is such that in mid-2013 Myanmar's minister of labor told a journalist in Thailand that relations between the two countries were at risk of strain due to the fact that "migrant workers, including those with legal documentation, are routinely arrested and forced to pay between 500 and 1,000 baht."[1] Andy Hall, a migrant rights researcher at Thailand's Mahidol University, has similarly reported that "extortion and abuse of migrant workers by law enforcement officials and people claiming to be law enforcement officials is systematic and prevalent."[2] Yet perhaps the most insightful statement about police extortion in Mae Sot comes from Ko Min, a Myanmar migrant with whom I spoke in June 2013, shortly after he had been forced to pay off two different groups of police that had each "fined" him for selling bootleg DVDs at a weekend market. Reflecting on his recent experience, Ko Min explained the situation for migrants in Mae

Sot: "Myanmar workers are like ATMs [automated teller machines] for the police."

Given the pervasiveness of police harassment and extortion of migrants in Mae Sot, such practices have had a determining role in shaping migrant life, the shared experience of migration, and the overall arrangement of migrant labor on the border. Persistent concerns about potential arrest, extortion, detention, and deportation have constrained migrants' capacities to quit work and seek better employment elsewhere, to access labor organizations like the Yaung Chi Oo Workers Association, to travel to the Labor Protection Office (LPO) to file labor rights claims, or even to buy groceries or seek medical treatment. Such concerns have also served as points of leverage for employers' threatening migrants against collective action. For this reason, the threat of police encounters outside the workplace has served to establish the migrant worker in Mae Sot as a particularly vulnerable category of person. At the same time, the possibility of avoiding arrest and deportation by paying off the police has allowed the majority of Mae Sot's migrants to remain living and working along the border without the need to pay larger sums for official documentation, thereby contributing to the area's low registration rate. This widespread lack of documentation has, in turn, strengthened the power of employers to enforce low wages and labor discipline on the migrants they employ. Similar, then, to what Josiah Heyman has found in the case of undocumented Mexican and Central American migrants in the United States, migrants' efforts (in collusion with employers, police, and others) to avoid restrictive immigration laws have, in Mae Sot, been at once "successful but entrapping"—successful, that is, in allowing migrants to live and work without costly documentation, while entrapping them in conditions of "superexploitation."[3]

In these ways, coercive policing outside the workplace has served to reproduce the racialized structures of segmented labor on which Mae Sot's border capitalism has come to depend. These structures are "racialized" in Thailand as the result of a domestic discourse—deployed, most broadly, in the Thai education curriculum—that stigmatizes Myanmar nationals as historically, and essentially, "evil and aggressive." As Dennis Arnold and John Pickles have argued, this characterization has been used in Thailand to justify the low pay and poor working conditions of Myanmar migrants in the country.[4]

The coercive relationship between police and migrants that I call attention to here speaks to recent anthropological concerns about the ways in

which seemingly "non-capitalist" relations, practices, and logics shape and make possible particular capitalist formations.[5] There is much indeed in the operation of Mae Sot's border capitalism that cannot be easily fit into formal economic models of capitalist production. Stated otherwise, that which has shaped patterns of migrant employment and livelihood in Mae Sot, and has facilitated a heightened extraction of surplus value through waged labor, includes extraeconomic compulsions—notably, the coercive police violence that escapes most formal economic models, Marxist or otherwise. But this does not make Mae Sot exceptional, for capitalist orders have *always* depended on coercion and other extraeconomic relations, practices, and logics.[6]

In light of the significant role of coercive policing in shaping formations of migrant labor in Mae Sot, this chapter advances a twofold argument: first, class dynamics at the point of production in Mae Sot cannot be understood in isolation of the structured relations of power that migrants confront *outside* the workplace, and particularly those involving the police; second, the arrangement of migrant labor in Mae Sot has developed through a mutually constitutive relationship between police and migrants. As such, coercive policing and the everyday responses of migrants are patterned practices that have shaped and reproduced the local migrant labor regime in ways that go beyond Thailand's official migrant policy. This does not mean that coercive policing in Mae Sot can be explained by the seeming functionality it serves for capital. Nonetheless, there is indeed a political economy to the patterns of coercive policing in Mae Sot—a political economy whereby coercive policing is shaped by, and shapes in turn, the organization of labor and industrial production on the border.

I therefore consider in the following section the concept of labor market segmentation as a means to grasp the relationship between, on the one hand, the subordination of migrants *as migrants* under violent and otherwise coercive relations of power beyond the point of production and, on the other hand, the subordination and exploitation of migrants *as workers* within the workplace. I then illustrate the everyday ways in which coercive policing establishes migrants' subordinate position in Mae Sot, drawing on ethnographic accounts of migrants' encounters with the police. Significantly, these experiences have shaped migrants' everyday practices, shared dispositions, and collective identifications while also affecting class dynamics at the point of production.

From Social Subordination to Exploitation in Production

Conventionally, the concept of class has been understood in two quite different ways. On the one hand, there are those, often drawing on Max Weber, who have deployed class to refer to historically particular, socially stratified populations. Those drawing on Karl Marx, by contrast, have tended to reserve the term for relationships of exploitation embedded in production. Providing a useful theoretical bridge between these two understandings of class, the concept of labor market segmentation points to the ways that populations are divided (along racial, ethnic, gendered, or other lines) into hierarchical, noncompeting groups, between which there are significant disparities in wages and working conditions and little, if any, labor mobility. Thus, for example, violent practices that produce racialized social hierarchies outside the workplace can establish conditions for racialized employment stratification under differing terms of exploitation.[7]

Within Mae Sot's segmented labor market, Myanmar migrants are subordinated as a low-wage, precarious underclass and denied the rights of citizens, with little leverage to assert claims to rights as workers. There is thus an important relationship, tangible in its effects, between the social subordination of Myanmar migrants *as migrants* (irrespective of their employment status at a given moment) and the exploitation of migrants *as workers* at the point of production. In practice, everyday confrontations between migrants and the police have reproduced the border's hierarchically structured social order. Policing thus serves—in Mae Sot, as elsewhere—not so much to enforce the law but to enforce order.[8] In Mae Sot, the tendency is for these confrontations to fuel migrants' antagonistic dispositions toward the police while reproducing their subordinate social, political, and economic position—for example, by perpetuating the border's low registration rate. This everyday resubordination of migrants strengthens, in turn, employers' capacities to enforce egregiously low wages and poor working conditions, thereby facilitating low-wage-dependent border industrialization.

Pierre Bourdieu's analysis of class formation is particularly useful here. This is due to his attention to class as a relational effect among individuals situated in hierarchically structured social orders—orders that are not limited to economic relations of production.[9] In this way, Bourdieu's analytical

tilt, as it were, is weighed on the side of Weber, as against Marx. As such, his focus is on a more general opposition between dominant and dominated groups, which may manifest outside particular production relations. In confronting such opposition, individuals engage in practices that turn everyday experiences, thoughts, and emotions into enduring social orders and subjective "clumps of dispositions."[10] Locating class formation (understood as social stratification) in the quotidian encounters between the dominant and the dominated allows for a recognition of everyday confrontations between migrants and police as constitutive moments in the dynamics of class. As constitutive moments, the effects of these confrontations endure in the form of everyday practices, dispositions, and values—what Bourdieu referred to as "class habitus."[11]

The dynamics of relations between migrants and the police that I examine in this chapter are historically particular phenomena. In Thailand, the process of labor flexibilization, particularly following the 1997 Asian financial crisis, involved a shift toward increased employment of migrant workers and, in the case of the garment industry, a relocation of capital to the border area, where cheap migrant labor has been more readily accessible. The current dynamics of such interactions in Mae Sot should therefore be understood as a relationship of violent subordination that has emerged out of this particular history—this search for new sources of low-wage, flexible labor. In other words, transformations in capitalist production in Thailand at the end of the twentieth century, while themselves being shaped by the earlier struggles of Thai workers, have in turn made possible new forms of racialized labor market segmentation along the border. In line with the overall argument of this book, I am interested here not solely in patterns of coercive policing in Mae Sot but, more crucially, in the ways that migrants' everyday evasion, contestation, and negotiation with the police has transformed these patterns of migrant regulation along the border.

Everyday Extortion: A Case in Point

It is late afternoon in March 2013, and my wife May notices that the door of our neighbor, Daw Nyo, is locked, indicating that no one is home. "Hey, Ko Sein isn't here yet," May calls out to me, adding only half in jest, "Has he been arrested?"

An hour later May's phone rings. It is Ko Sein. He is at the police detention center, having been arrested for lack of documentation. Annoyed both at Ko Sein for getting arrested and at the police for arresting him, May hangs up the phone. Of course, we need to get him out. We therefore get on our motorcycle and depart for the detention center.

The Mae Sot detention center is located behind the main police station in the center of the town of Mae Sot, not far from our home. The complex comprises a two-story cement building, adjacent to which is a single large cell that could hold, I estimate, some 150 people if necessary. Two gender-specific cells inside the cement building house those charged with violent and other substantial criminal offenses, whereas the large external cell houses mostly migrants detained for lack of documentation. On the west end of this external cell the adjacent police building provides a solid concrete wall, whereas the cell's other three sides are just metal bars, open to the elements. Passersby who happen to look through the front gate of the detention center will often see large groups of mostly Myanmar migrants sitting or lying on plastic mats rolled out on the ground, waiting for release, deportation, or (rarely) prosecution.

When the two of us arrive at the detention center, I spot Ko Sein and a friend of his with whom he was arrested. They are sitting on the ground of the cell near the front bars, looking out toward the gate as though waiting for our arrival. A single male police officer is reclining in a chair at an outdoor desk a few meters from the cell. Now is the time for visiting hours, so the police officer ignores us as we enter. Approaching the cell, I ask Ko Sein through the bars what happened and if the police who detained him are still around. Coincidentally, at that very moment, two cops riding a single motorcycle drive in through the gate. Ko Sein points to one of them, saying, "That's the guy."

Working with the International Rescue Committee's legal aid project, May is aware that as part of the Thai government's current migrant registration extension there is an official moratorium on arrests for undocumented migrants, in effect until mid-April 2013. Furthermore, for those who have applied for registration, like Ko Sein, their registration receipt is supposed to serve as valid evidence of registration until they obtain their actual passports and work permits.

We approach the two cops as they dismount their motorcycle. May, who speaks fluent Thai, proceeds to tell them that Ko Sein and his friend had

passport application receipts and therefore should not have been arrested. Rather than address May's claim, the cop responds by asking, "Where are their TL38s?" The TL38 is a specific identification document issued by the municipal government, which had previously served as a residence permit for migrants in Mae Sot. May explains that according to the current registration policy, migrants no longer need these (now defunct) residence permits, as they can now apply directly for passports and work permits without them.

The government's shift away from the TL38 is an example of the ever-changing character of regulatory requirements for migrants in Thailand. At the same time, the demand by these police officers that Ko Sein and his friend produce their TL38s typifies the arbitrary and inconsistent application on the part of local police of national-level migrant regulations. Furthermore, that the TL38 was suddenly made unnecessary, and that these officers nonetheless demanded this obsolete document, illustrates how even those migrants who seek to meet formal registration requirements are persistently thrown into uncertainty about their actual legal status in Thailand.

Before we are able to resolve this issue of the legal status of Ko Sein and his friend, the two cops get back on their motorcycle and drive away, leaving May and I standing there, with Ko Sein and his friend still behind the cell bars. I suggest that we contact Ko Johnny, at whose passport company Ko Sein had applied for registration. After failing to reach Ko Johnny by phone, I head off by motorcycle to his office, located only a few minutes away, while May remains at the detention center.

Upon reaching his office, I locate Ko Johnny and explain to him the situation, asking for his intervention to secure Ko Sein's release. "Yes," he responds, "I know that under the current policy the police don't have the right to arrest migrants who have applied for registration." He adds, however, that in order to get a registered migrant out of detention under the terms of the registration policy, the migrant's employer must personally visit the detention center to sign for that employee's release. The problem is that Ko Sein's work permit application was filed with the "rented" name of a Bangkok employer who would be unable (or unwilling) to travel to Mae Sot to resolve this issue. And so, regrets Ko Johnny, "I think that you're going to have to pay money to get him out."

After this fruitless excursion to Ko Johnny's office, I return to the detention center. When I arrive, I tell May of Ko Johnny's response, to which she

answers, regarding the police, "I don't want to give even one baht to these *thadaungsa*" (literally, beggars). Instead she wants to try to secure Ko Sein's release under the terms of the current migrant registration policy. The two of us therefore visit a nearby photocopy shop to print out the Thai-language government document detailing the current policy on migrant registration. Armed with these few sheets of paper, we return to the detention center.

Once back at the detention center, May approaches the police officer stationed at the outdoor desk and tries to negotiate Ko Sein's release, citing as justification the policy document in her hand. While May pursues these negotiations, I walk over to talk with Ko Sein and his friend in the cell. They are still sitting on the ground, but have been joined by a group of other migrants, themselves detained in separate incidents. As we converse, one of these other migrants explains to me, "The police are checking [migrants], demanding money, and making more arrests because *thingyan* [the Buddhist New Year festival, equivalent to Thailand's *songkran*] is approaching. So they want to collect money." The reasoning here is that the police have intensified their extortion of migrants in order to amass money to pay for their own New Year festivities.

As I squat here next to the cell bars, with May persisting in her negotiations, a pickup truck enters through the front gate of the detention center. Out of this vehicle a middle-aged Thai woman and younger Thai man descend and approach the cop with whom May has been talking. The Thai woman walks up, confidently holding her purse, and announces, "those two," as she points to a couple of Myanmar men in the cell. The men to whom she has pointed had already approached the bars when they noticed her arrival. It appears that this woman is the employer of these two migrants, with the younger Thai man a manager or assistant of some sort. This younger man approaches the cell bars and, speaking Thai, converses briefly with the two migrants. Their exchange goes like this:

Thai man: "How long have you been here?"
Migrant: "Since yesterday."
Thai man: "Then why didn't you call yesterday?"
Migrant: "I didn't have money in my phone."

The Thai woman provides some details to the police officer on duty, who writes it down in his register and then unlocks the cell to release the two

identified migrants. The two migrants, the Thai woman, and the younger Thai man then get into the pickup truck and drive off.

What had just taken place was the release of two documented migrants upon their employer's confirmation of their legal employment. As this case exemplifies, even documented migrants are persistently at risk of arrest and detention, despite their legal status in Thailand. A major reason for this is that the majority of Mae Sot employers with registered migrant employees withhold their migrant employees' documentation so that these employees are unable to easily switch jobs or relocate to central Thailand in search of higher-paying work. In some cases, such employers provide their migrant employees with photocopies of their passports and work permits. The Thai police, however, typically do not accept these photocopies as valid documents. What commonly transpires, therefore, is that registered migrants are forced to pay bribes or, if they are unwilling or unable to do so, are put in detention, as occurred with the two individuals I had seen released. One effect of this practice is to strengthen the dependency of registered migrants on their employers, and to bind them to jobs that they may otherwise wish to leave but cannot lest they risk losing their (withheld) registration documents.

Shortly after the Thai employer and her two migrant employees left the detention center, the cop on duty informed May that she would have to wait to speak with the arresting officers regarding Ko Sein's release. We did not know how long the wait would be, so I briefly returned home, while May waited for the return of the cops. While I was gone, the two arresting officers came back. As May later described to me, she proceeded to ask the police officers to read the migrant policy document that she had printed out. The cops, however, were unwilling to do so. She asked to see a senior police official, but those with whom she was talking would not accommodate her request. She then decided to let Ko Sein spend the night in detention and to return the next day with an International Rescue Committee lawyer. The cops, however, were urging her to resolve the issue there and then. Instead, they said, "Just give four hundred baht for a bottle of *lao* [alcohol] and we'll let them out and it'll all be over." This amount was notably lower than the one to two thousand baht typically demanded for the release of detained migrants. My reading of the situation is that May's negotiating skills, Thai language ability, association with a registered international nongovernmental organization (NGO), and knowledgeable appeal to current migrant policy were all factors contributing to a reduction in the amount

demanded. In the end, May handed over the money and the police released Ko Sein and his friend. The three of them started walking back to our home, and I met them along the way as I was returning to the detention center, well after sunset.

Shifting Patterns of Coercive Policing

The dynamics of relations between migrants and the police in Mae Sot, such as those I have recounted in the arrest and release of Ko Sein, have developed under the changing conditions along the border since the start of large-scale migration into the area at the beginning of the 1990s. Daw Hla, a fifty-four-year-old ethnic Pa'O woman from Karen State with whom I spoke in March 2013, first came to Mae Sot in 1989 at the age of twenty-nine. Soon after her arrival, she took on day-wage employment in the area as an agricultural worker. When we spoke in 2013, Daw Hla described to me what she felt to be a relative decrease over the years in the direct violence by police against migrants along the border. Whereas now she felt, the Mae Sot police had become *yeinkyayde* (polite), in the early 1990s the local police were, as she put it, *yaingde* (rude). Back then, she explained,

> They [the police] would hit, hit, and hit. If they caught [migrants], then they'd beat them. But if they fled into the mud, the police wouldn't follow. They were scared of the mud and they wouldn't follow. They'd get angry. Sometimes they'd wait and come back the next day and catch . . . every three of four days they'd come to catch migrants. When someone would say [that the police were coming], I'd flee. I'd hide in a creek. "Hey, the police are coming!" And the news would go from person to person: "The police are coming, the police are coming . . . the police are coming to make arrests." I'd hear the news, so I'd flee in advance. I'd only return home after night had fallen. The police would come during the day, after we'd eaten. And I wouldn't return home until after night had fallen. [I'd ask,] "Have the police gone back? Have they left?" [And someone would reply,] "They've already gone back." There's a creek over behind Muti's house. We'd hide in that creek in big groups. There were children and adults.

A similar view of changing relations between migrants and the police on the border was provided by Ma Khaing, who first arrived in Mae Sot as a

migrant worker in 1997. According to her, alongside a decrease in the most egregious forms of police violence (including sexual violence) against migrants, and a reduction of extremely high, ad hoc extortion demands, there have developed more regular (but smaller) police demands for money, backed by threats of detention and deportation rather than direct violence.

The shift in police practice suggested here should not be overstated. During the course of my fieldwork, raids continued, though perhaps less frequently than in the past. My own home was raided in August 2011 when my (undocumented) in-laws from Myanmar were visiting. (The cops put two of them in detention and we had to pay three thousand baht to get them released.) In addition, direct forms of violence have also persisted. My colleague Ko Latt, for example, was knocked down by a cop who booted him in the chest while he was visiting a migrant friend at the detention center in October 2012. And in 2010, Thai government authorities charged a police sergeant in Phop Phra District, north of the town of Mae Sot, with orchestrating the murder of nine ethnic Karen migrants who lacked the money to pay one thousand baht per person, as the sergeant had demanded.[12] The shift in police practice that I am suggesting here has therefore been a relative one.

That said, this *relative* shift in police behavior from "rude" to "polite," as Daw Hla phrased it, can be situated historically alongside other changes to the border area. In the early 1990s there were no factories along the border, no formal channels for migrant registration, no incorporation of migrants into the bureaucratic channels of the Thai government, no migrant-focused NGOs, a much smaller migrant population, and (at least according to Daw Hla and Ma Khaing) more incidents of direct violence by the police against migrants. By the time of my fieldwork, much of this had changed. The migrant population on the border had expanded and had become increasingly incorporated into networks of governmental relations (both of the Thai government and locally based NGOs). At the same time, police extortion had become increasingly expansive and systematic, but less directly violent and generally less costly *per person*.

During the course of my fieldwork, police extortion of migrants in Mae Sot involved, among other extractions, monthly fees (typically 150 baht) deducted from the wages of each undocumented migrant employed at a given factory in order to prevent a raid; monthly payments from migrants engaged in entrepreneurial ventures, including storekeepers, roadside snack vendors,

and pedal rickshaw drivers, in order to prevent arrest; and daily roaming checkpoints at which vehicles would be stopped and petty amounts (typically 100–200 baht) demanded of all undocumented migrant passengers. This arrangement has meant that, while the vast majority of Mae Sot's migrant population remains undocumented and at constant risk of petty extortion, relatively few of these migrants are ever actually deported. Hypothetically, if all of Mae Sot's undocumented migrants *were* suddenly deported, the border economy would not only grind to a halt but the police would lose a significant and dependable source of revenue.

There is, however, a notable twist that was suggested to me regarding the logic of police extortion in Mae Sot and its development over the years. Ko Phyu, a Myanmar migrant and longtime Mae Sot resident, suggested that it was in fact Myanmar migrants who, beginning in the early 1990s, had "taught" the Thai police on the border to take bribes. The reason for this, he explained, was that petty bribes paid to the police would enable undocumented migrants to avoid both deportation and (once regularization was introduced) the more expensive registration process.

Among the outcomes of this systematization of police extortion has been the development of patterns that soon become apparent to any migrant who has spent much time on the border. During the period of my fieldwork, for example, the times and locations of roaming police checkpoints were fairly regular (afternoon along the highway between Mae Sot town and the Moei River border crossing being the most common). The amounts demanded in particular contexts were fairly consistent. (At roadside checkpoints, for example, police typically demanded 100–200 baht per person, but if migrants were taken to the detention center, the amount required to get out would usually jump to 1,000–2,000 baht.) Certain categories of migrants (such as elderly women, the infirm, and waste collectors) were for the most part left alone by the police. The police regularly stopped and checked migrants traveling along roads, but typically did not bother those inside shops. And, aside from particular days (such as registration deadlines or visits by high-profile politicians), there were few raids and large-scale arrests.

Police extortion in Mae Sot has largely followed the logic that it is a payment against arrest and deportation for a migrant's "illegal" status in the country. As such, the introduction of the new migrant registration process in 2009, allowing as it does a legal freedom of movement for migrants, presents—in principle at least—a challenge to the existing rationale of police

extortion. After all, if police extortion depends on a migrant's "illegal" status, then legal registration would presumably put an end to the practice. There are two reasons why the new registration process did not, at least in its first few years, lead to any significant reduction in police extortion. First, only a minority of Mae Sot's migrants actually acquired these registration documents. Second, following the introduction of the new registration process, police began citing other reasons for which to demand money when they encountered a migrant holding a passport. For example, in the case of Ko Sein, the police asked to see his TL38 residence permit, which is a relic of a prior registration process and became redundant under an updated registration policy introduced in January 2013. Hence, migrants registered (or registering) with passports and work permits no longer need (officially, at least) to acquire these residence permits. In other cases, police will "fine" migrants for having failed to update the ninety-day residence confirmation stamp on their temporary passports. The confirmation stamp, however, concerns the Thai immigration department, which will itself fine the infracting migrant on his or her next visit to the immigration office; the police have no jurisdiction to make such immigration fines. Hence, formal migrant registration policies are regularly cited by the police in their engagement with migrants, but the enforcement of these policies is rarely consistent with official regulations. The police simply present their (corrupt) enforcement of (often arbitrarily determined) law as the basis for demanding money. As a result, migrants frequently become cynical regarding the police in Thailand and of Thai law in general. Yet the law is rarely rejected wholesale, and migrants continue to grasp at it—through legal registration, for example—despite its inconsistent application and persistent failure to ensure them the rights to which they are legally entitled. In the end, even legally registered migrants in Mae Sot continue to face extortion by the police despite their otherwise legal status in the country.

To illustrate the persistence of police extortion of legally registered migrants, I offer the case of U Moe Kyo, who runs the Joint Action Committee for Burmese Affairs (JACBA), a small migrant rights organization based in Mae Sot. I received a call from U Moe Kyo while I was at home one afternoon in March 2013; his anger was readily apparent from the tone and speed of his voice. He explained that he had just been stopped by the police, who had demanded money from him despite his possession of a valid migrant passport and work permit. In the end, he had secured his release with the

intervention of a Thai official posted to the Mae Sot LPO. Nonetheless, U Moe Kyo was indignant; he wanted to tell all the organizations engaged in migrant issues in Mae Sot of his experience. Due to his limited English, he requested that I write up a statement for him about this incident for distribution across the Migrant Rights Promotion Working Group (MRPWG) e-mail list. After hanging up the phone, U Moe Kyo drove over to my home on his motorcycle and dictated the following account to me in Burmese, which I translated into English and typed up on the spot. Once completed, U Moe Kyo emailed the statement to all MRPWG members and posted it on the JACBA blog. The "senior staff member" of JACBA referred to in the statement is, of course, U Moe Kyo himself. The case of the Supafine Fashion workers cited in the statement will be recounted in detail in chapter 6. U Moe Kyo's statement, in full, went as follows:

> Today, at around 2:00 P.M., Friday, March 1, 2013, a senior staff member of the Joint Action Committee for Burmese Affairs (JACBA), which is a member of the Migrant Rights Promotion Working Group (MRPWG), along with an accompanying migrant factory worker, was stopped by six Thai police on the main road at Mae Tao Type Quarter, Mae Sot. Among these six police were one junior officer and five regular police.
>
> The police officer asked for the JACBA staff members' documents and then rummaged through the JACBA staff members' bag, which contained books on Thai law. The officer then took away the JACBA staff members' bag, took out a camera from inside and looked through the photos stored on the camera. This JACBA staff member had on him his valid passport, valid work permit, drivers' license, and Labor Law Clinic network member card. The police officer confiscated the bag and documents.
>
> Traveling with this JACBA staff member was one factory worker who was traveling to the OSSC [One-Stop Service Center] office to submit an application for passports for 521 workers from the Supafine Fashion Co. Ltd. factory. This worker not only had the passport applications on him, but also his valid factory ID card. JACBA is aware that according to current Thai policy, migrants in the process of applying for passports are not to be arrested by the Thai police.
>
> After checking the JACBA staff member and the accompanying factory worker, the police officer made these two individuals stand on the side of the road in the hot sun. The police officer explicitly asked in Burmese for the JACBA staff member and the accompanying factory worker to pay 200 baht in order to be released. Since they did not pay, the police made these two in-

> dividuals wait on the side of the road. While they waited, the JACBA staff member and the factory worker observed these six police stop approximately 20 other factory workers passing on bicycles and motorcycles. When these migrants were checked, all of them showed valid passport application documents. However, the police did not accept these documents and demanded 200 baht from each individual in order to be let go. Some of the migrants were able to be let go paying 100 baht.
>
> After waiting by the side of the road for approximately 45 minutes, the JACBA staff member called the Thai Labor Protection Office (LPO) for assistance. The LPO official then spoke on the phone to the police officer and was able to get the JACBA staff member and accompanying factory worker released. Although the JACBA staff member was able to get assistance from the LPO in this case, the regular migrant workers could not get such assistance.
>
> The MRPWG has had repeated meetings with Thai authorities in Mae Sot including the head of the Mae Sot police department. We are regularly told by these authorities that the Thai police are not allowed to demand bribes from migrants and furthermore that passports are supposed to protect migrants from police harassment. Yet these abuses continue! What is the value of these meetings if the Thai authorities are unwilling or unable to guarantee an end to this harassment and extortion? What happened today to the JACBA staff member is not an exception. This is the standard practice of the police in Mae Sot. Therefore, what JACBA wants to know is what has happened to the Thai law according to which migrants with passports or with passport application documentations shall not be arrested?[13]

U Moe Kyo's anger at this incident reflects a more general animosity among Myanmar migrants in Mae Sot toward the police. Within the framework Bourdieu provides, migrants' antagonistic dispositions toward the police express their particular class habitus, which has developed over time through routine encounters with police coercion and extortion. These antagonistic dispositions are further demonstrated in the disparaging comments concerning the police that Myanmar migrants routinely share among themselves. Terms I have heard migrants use in reference to the police in Mae Sot include *yunifom damya* (uniformed bandit) and *thadaungsa* (beggar). On one occasion, when Ko Htun and I watched two police officers stop and check a Myanmar migrant who happened to be walking down the road near the Yaung Chi Oo office, Ko Htun turned his head away in disgust at the police, telling me, "I can't even look at them."

In a separate incident, I spoke with a migrant who had been detained in a police cell outside Mae Sot where undocumented migrants caught being smuggled to Bangkok were routinely held. The walls of this cell, this migrant explained, were scrawled over with Burmese-language graffiti—much of it denouncing the police. One passage read, "If a Thai cop ever goes to Myanmar, he'd better bring along an extra head." The insinuation was, according to my informant, that people in Myanmar would decapitate the cop in reprisal for the ill treatment that Myanmar migrants had received at the hands of the police in Thailand.

The antagonistic dispositions migrants display toward the police also get expressed in censures of disloyalty made against migrant collaborators. In one case, a migrant I knew took a job as a Thai-Burmese interpreter at the Mae Sot police detention center. Some of the other migrants who knew him subsequently began referring to him disparagingly as a *palaiḳ hḳwei* (police dog) for his role in aiding the police in their oppression of migrants.

Along with antagonism, routine police harassment has also fueled dispositions of fear, which are shared to varying degrees among most of Mae Sot's migrants. Migrants' experientially informed apprehension has, in turn, produced tangible effects in shaping their behavior, as individuals are often reluctant to travel outside their homes and workplaces or to seek police assistance when they are victims of violence, fraud, or other crime. The case of Ma Thin, a young ethnic Khami woman from Rakhine State, demonstrates such effects quite pointedly. Ma Thin was among a group of migrants who in mid-2012 had been defrauded by a passport broker who had taken their money yet had never provided them with the documentation he had promised in return. With the help of the Pan Kan Gaw Workers Association and the Thai Labor Law Clinic, Ma Thin and some of the other affected migrants sought to pursue criminal charges against the broker who had defrauded them. At the time of this case, passport applications still required TL38 residence permits issued by the Mae Sot municipal government office—a requirement nullified at the start of 2013. When Ma Thin, along with another of the defrauded migrants, and a staff member from the Labor Law Clinic visited the Mae Sot police station, the police instructed Ma Thin to show them her TL38 residence permit. In a tragic irony, not only had Ma Thin and her migrant colleagues been defrauded by the passport company, but the low-level bureaucrat who had issued Ma Thin's residence permit at the municipal government office had reprinted a residence permit previously

issued to another migrant, but with Ma Thin's photo on it. By providing Ma Thin with a duplicate of a previously issued TL38 residence permit, the bureaucrat was able to pocket, without any record, the six-thousand-baht fee he charged Ma Thin for this document. Since Ma Thin could not read Thai, she remained unaware that the name and other personal details printed on her residence permit were not her own. When she presented this document to the police, the police accused her of possessing a fraudulent residence permit. They immediately locked up Ma Thin and her migrant colleague (whose permit was similarly inaccurate) and told them that they would soon be deported. According to Ma Thin, she spent the whole night crying on the floor of the detention cell. The next day the police took her and the other migrant to the border and deported them by boat across the river. Shortly after being deported, these two migrants unofficially crossed back into Thailand (again, by boat), which is where I later spoke with them. Although Ma Thin still wanted to pursue charges against the broker who had defrauded her, she told me that due to her experience of being locked up and deported she would never go back to the police.

Migrants' understandable fear and distrust of the Thai police are thus significant factors constraining their ability to pursue justice through the Thai legal system. As such, it was disingenuous when a senior police officer attending an MRPWG meeting at Mae Sot's Centara Hotel in September 2012 told those of us in attendance, "I don't know why, but migrant workers are usually scared of the police." The meeting had been organized by the International Rescue Committee to promote migrants' access to justice through the Thai legal system. As a final example of the seepage of this fear of the Thai police into the everyday lives of migrants, I have on multiple occasions witnessed migrant parents disciplining their children with the words, "If you don't stop crying, the police will come and arrest you!"

Migrants' Tactics of Evasion and Engagement

Given the pervasive threat of arrest, extortion, detention, and deportation, migrants in Mae Sot have employed a variety of tactics to manage police encounters or to evade such encounters altogether.[14] Commonly these actions take the discrete form of what James Scott has called "everyday resistance" rather than more open forms of collective protest against police harassment.[15]

For instance, one day following Ko Sein's detention, he was returning to Mae Sot from a visit to his home in Myanmar. Rather than risk arrest and extortion (again) by running the gauntlet along the main highway from the border to Mae Sot town, along which there was a good chance he would encounter a police checkpoint, Ko Sein forwent taking the twenty-baht "line car" and instead walked three hours from the border to his aunt's home down a dirt path behind the Mae Sot airport—"through the mud and the rain," he told me. Similarly, while I was driving Ko James from his home outside Mae Sot to the town center, he directed me to take a particular back road with which I was unfamiliar. The reason, he explained, was that this road was "always clear of the police" and thus was "the road we always take to go to the market."

In some cases the efficacy of a migrant's chosen evasion strategy is less evident—at least to me. This would include, for example, the case of a young man I met who pulled a lemon from his pocket while we were discussing the dangers of the police. The lemon, he explained, served as a form of *yadayakye*, a ritualistic practice in Myanmar whereby individuals avoid or neutralize potential misfortune by performing certain prescriptive acts. Keeping a lemon with him at all times would, he explained, serve to ward off the police because of the lemon's medicinal properties—unlike, say, a tomato, which lacks such properties and would thus not be very useful for this purpose.

In spite of such evasion tactics, most migrants I knew who had spent much time on the border had had some experience of run-ins with the police. Aside from outright avoidance of such run-ins, migrants sometimes sought to negotiate with the police in order to reduce or avoid monetary demands. In the statement by U Moe Kyo reproduced earlier in this chapter, he described seeing the police demand two hundred baht from each person. But some individuals, he said, were able to get released paying only one hundred baht. Hence, claiming to have less money than one actually does may (on occasion) work to reduce the amount one has to pay. One migrant I met told me that she hid her money in her shoe as a means of avoiding large payments to the police. In addition, migrants who have more experience on the border, are familiar with current migrant registration policy, and can speak some Thai are generally more capable of and confident in negotiating their way out of police extortion. This was the case with Ko Htut, a migrant I knew who worked as a salesperson at an electrical

appliance store in Mae Sot. Although Ko Htut was registered with a temporary migrant passport and work permit, his employer retained these documents and only allowed him to keep photocopies (so that he would not quit, thus departing with his documents for better-paying work elsewhere). He told me that he was occasionally stopped by the police, who would not accept as valid the photocopies he held of his passport and work permit, demanding instead that he pay them a petty bribe of between one and two hundred baht. Ko Htut was a fluent Thai speaker and had lived in Mae Sot for many years. He told me that he would tell the police in Thai that he would not pay them anything and that they could take him to the detention center if they so wished, but that he would simply call his employer to come and get him released. This assertion (in combination with a photocopy of his passport) was typically sufficient, he explained, and the police would let him go without having to pay any money. The case of Ko Htut also demonstrates the tangible value of Thai speaking ability as a form of cultural capital with which migrants in otherwise similar positions realize quite different outcomes in their encounters with the police.

In their everyday interactions, Myanmar migrants regularly discuss with each other police checks and ways these can be avoided or otherwise dealt with. This was pointed out to me as I rode in a motor rickshaw through town one day and the Myanmar driver engaged me on the issue of police harassment and extortion. The driver explained that he was frequently stopped by the police while transporting migrants in and around Mae Sot. Often, he observed, the police would demand more money from migrants holding passports without work permits than from migrants holding no documentation at all. Presumably, documented migrants had more money, and more at stake. The rickshaw driver therefore regularly inquired with his passengers about the documentation they possessed and, if they had passports without work permits, he would advise them to not even show their passports and to pretend instead to be wholly undocumented, as this would reduce the amount of money the police would demand. In yet another case, while I was visiting some migrants in a unit of row housing with my colleague Ko James, I watched as Ko James advised a young migrant woman (who lacked documentation) to be mindful of the time of day she went out traveling. The reason, he explained, was that the operation of police checkpoints was patterned. Since the police typically operate their checkpoints around 8:00 to 9:00 A.M., 12:00 noon to 1:00 P.M., and 4:00 to 6:00 P.M., avoiding

travel at these times would significantly reduce the likelihood of her being stopped by the police. In addition, Ko James suggested, "Wear tattered clothes and you'll be less likely to get stopped by the police."

Bourdieu suggested that it is through such everyday engagements, and through the acts of categorical distinctions that individuals make during these engagements, that agents come to embody particular class positions within hierarchically structured social orders and to see themselves within these class positions. As such, expressing statements of animosity about the police or sharing tactics of everyday resistance among migrants serves to strengthen migrant social networks and their collective identification *as migrants*. This collective identification as migrants spans different work sites and different forms of work, and includes unemployed migrants as well as migrant children attending school. In the context of Mae Sot, practices of distinction marking a separate Myanmar migrant identity are reinforced by linguistic barriers, as most migrants residing along the border speak little or no Thai. Consequently, Myanmar migrants often engage other migrants at random for advice or assistance, whereas most migrants would rarely engage a Thai national in this way. These everyday relations and practices thus combine to produce a sense among those from Myanmar residing in Mae Sot of being, as a group, categorically distinct—being, that is, the migrant other to the normative Thai citizen—and of being persistently subordinated within the border's hierarchical social order.

Informal Protection and the Reproduction of Migrant Vulnerability

As alternative means of managing police harassment and extortion, there have developed over the years various protection arrangements negotiated between migrants and local power holders. These arrangements serve as means of avoiding arrest—or at least of reducing its likelihood. They are also significantly cheaper than official registration. In some ways, the systematic forms of police extortion described in this chapter can be understood as alternative, informal migrant registration schemes, granting paid-up migrants limited freedom of residence and work within Mae Sot. These practices function to keep down the rate of formal registration, as migrants are able

to continue living and working along the border without official registration documents.

In addition, there are other types of arrangements for unofficial migrant registration along the border, and these can be situated in their level of formality somewhere between the official temporary migrant passports and work permits, on the one hand, and the ad hoc instances of police extortion, on the other. Two notable forms of such registration are residence permits issued by village heads and migrant protection cards issued by the Overseas Burma Association (OBA). These two forms of registration were in operation before the 2009 introduction of temporary migrant passports under the nationality verification process, and they continued to be used by migrants after the introduction of these passports. Indeed, they remained in common use throughout the duration of my fieldwork.

The residence permits are issued and signed by village heads (*puu yay ban*, in Thai), who are the officially elected representatives of a given village or quarter. The permits themselves, however, are technically unofficial in the sense that they are not part of Thailand's legislated migrant policy. The residence permits that I have seen consist of a standard letter-size sheet of paper with the name and personal details of the relevant migrant, with the details of the arrangement typed up in Thai and signed at the bottom by the issuing village head. These documents do not actually guarantee freedom from arrest or harassment by the police. What they do provide is protection from harassment by the *chor ror bor*, a network of poorly trained, armed volunteer militia members tasked with providing security for their home village. The Thai government formed the *chor ror bor* in 1985 out of already existing anticommunist militias, which the United States Central Intelligence Agency had helped establish in the 1950s and 1960s. *Chor ror bor* members are formally employed under Thailand's Interior Ministry, with command over them nominally given to the Thai Army's Internal Security Operations Command. Yet, as the International Crisis Group notes, "In practice, there is little oversight of any kind," and the militias wind up serving as de facto personal security for village heads.[16] While the residence permits do not guarantee protection from police harassment and arrest, there appears to be some form of arrangement between village heads and the police, to the effect that police will generally not bother migrants residing in certain villages or quarters. In one case, at the time of a large fire that burned

down a residential block housing some seven hundred migrants in a village on the southeast outskirts of Mae Sot District (no one was harmed), I discussed this issue with some of the affected residents. They explained that the residential block had been owned by the local village headman, who ensured that the migrant residents (almost all of whom lacked official documentation) would not be bothered by the police so long as they remained within the area near the village.

At the time of my fieldwork the residence permits issued by the village heads typically cost three hundred baht each and were valid for one year. The documents thus served as a means of generating income for the village heads and as a means of maintaining some control over, and knowledge of, the migrants in a given village or quarter. These documents continued to be issued after the 2009 introduction of the nationality verification policy for migrant registration. Often village heads would demand that all migrants residing in the village or quarter under their authority apply for such documents, irrespective of the migrants' status under the nationality verification policy. An illustration of these arrangements can be found in the notice I saw posted in a neighborhood southwest of Mae Sot; it was a photocopy of a handwritten note in Burmese, and it was pasted onto the external cement wall of a small home factory:

> Myanmar workers, you are reminded that when the validity of your permit expires, come to the home of the elder to make a new permit from the 29th until the 15th. You are reminded a final time to do this from 29.4.2013 until 15.5.2013. The permit costs 300 baht.
>
> —Elder of Bon quarter

As the notice indicates, residence permits issued by the elder, or village head, were not considered optional. All migrants residing in the quarter where these permits were being issued were expected to acquire them. I was able to observe the enforcement of such a requirement in July 2012, when I waited next to an ad hoc *chor ror bor* checkpoint at the main intersection in the village of Hua Fai, just west of the town of Mae Sot. There I watched a group of ten militia members—seven men and three women—as they stopped every migrant who went past and asked to see his or her village residence permit. Those who either had none, or whose permit had expired, were fined one hundred baht on the spot, their details were written down,

and they were told to promptly go and see the village head to acquire their permit at a cost of three hundred baht. Some of the migrants who were stopped pulled out folded papers from their pockets with their photos on them and were allowed to go on their way without being fined. Some of the village militia conducting this inspection were visibly intoxicated, and I noticed several opened bottles of beer and Thai whiskey kept on the bench of a teak gazebo behind the checkpoint, where some of the militia personnel were at that moment reclining.

A second alternative form of migrant registration in Mae Sot is the OBA card. The OBA (again, not its real name) is the most recent incarnation of an organization established by U Gyi that has been in existence under various names since 2004. U Gyi is a former commander in the All Burma Students' Democratic Front, the armed opposition group established in Myanmar by students who fled the military crackdown on the country's 1988 popular uprising, as was noted in chapter 1. I had the opportunity to interview U Gyi in January 2013, at which time he explained to me some of the history of his organization.

U Gyi first got involved in migrant protection work in 2004, when he was approached by a migrant woman seeking assistance for her husband, who had been assaulted and kidnapped by some local Thai police. These men had demanded a ransom of thirty thousand baht for her husband's release. U Gyi was able to negotiate with some more senior police officials concerning this case, and he managed to secure the migrant's release without the payment of the ransom money. Subsequently, U Gyi became more involved in negotiating with the Thai police and in intervening in cases brought to him for assistance.

This led to the 2004 establishment of the OBA, in its earliest incarnations under a different name. When I spoke with U Gyi in 2013, his organization included three judicial boards and its own enforcement mechanisms. Individual migrants brought cases, such as those involving theft or domestic violence, to the OBA for resolution. According to U Gyi, migrants sought assistance from the OBA when they could not—or did not want to—formally open a case with the Thai police. In this way the OBA has provided its own brand of extralegal protection for migrants. As a result of its close relations with the Thai police and the (at times) violent enforcement of the OBA's own rulings, the organization is somewhat controversial among local Myanmar community-based organizations. When I spoke to him,

U Gyi openly acknowledged that his organization used violence to enforce its rulings—for example, beating up husbands who failed to stop their abusive treatment of their wives following an OBA ruling on their case. He explained, in English, "Some women's organizations are against domestic violence, but they're against it only on paper. That's not so effective. On paper is not enough. So sometimes the OBA staff use violence to stop this. We have this right." (Though on what grounds this right was based he did not specify.) The OBA also differs from most local community-based organizations by financing itself largely through independent donations from U Gyi's former subordinates in the All Burma Students' Democratic Front, many of whom have resettled as refugees to the United States.

As the OBA became more involved in negotiating with the police, the organization established a semiformal arrangement with the local police department in 2009 for securing migrant residence and travel within Mae Sot using OBA-issued traveling documents that consist of a laminated card displaying the relevant migrant's photo, name, and age, and the logo of the OBA, along with an unlaminated card stapled to it that states the card's current validity and includes U Gyi's signature. This document costs the bearer 250 baht per month, and must by updated monthly. Each month the OBA gives a list of all migrants holding these cards, along with copies of their photos, to the police. As U Gyi explained regarding this arrangement, "It's under the table. It's not legal." Out of the 250 baht per month that the OBA charges for the cards, U Gyi explained that the organization keeps 30 baht, while the remainder is given to various local branches of the police.

As I interviewed U Gyi at the OBA office, we were repeatedly interrupted by migrants and OBA members seeking the requisite cards and U Gyi's signature. Each time this occurred, he would pull out a printed pack of blank cards and fill one out. I asked one woman who came into the OBA office why she chose to get this card. She explained that she wanted it because she could not afford the official migrant passport, and was unable to acquire a Thai citizenship identification card.

The various systems of protection, extortion, and registration that I have outlined here—involving police, village heads, the *chor ror bor*, and the OBA—can been understood as overlapping regulatory projects that serve to order and restrict migrant activity on the border. In various ways these regulatory projects appear at first glance to conflict with the formal state regulation of

migrant labor (as, for example, when local police officers stubbornly disregard current migrant policy). At the same time, however, these various projects of regulation are deeply entangled with, and serve to bolster, local capillaries of state power, such as the police.

Among the effects of these overlapping regulatory projects has been to provide migrants staying on the border with alternative forms of protection that are significantly cheaper than migrant passports and work permits, which in 2012–13 typically cost between ten thousand and fifteen thousand baht through private passport companies. For this reason, I repeatedly encountered migrants who told me that they made use of these alternative protection services in lieu of formal passports and work permits due to the much higher cost of these latter documents. This was the case with Ko Aung, a migrant who operated a power loom at the King Knitting garment factory. His employer had offered to arrange passports and work permits for the migrants employed at the factory, advancing the money, which would then be deducted in monthly installments from the migrants' wages until the amount was fully repaid. Ko Aung was among a group of thirty migrants at his factory who opted not to apply for this registration because they did not feel the benefit was worth the cost. Yet following the 2013 Buddhist New Year, the employer doubled (from 150 to 300 baht) the monthly "police fee" deducted from Ko Aung's wages—a move that left him understandably bitter.

These various responses by migrants to the everyday challenge of coercive policing that they confront on the border are quite comprehensible given the threats posed by the police and the alternatively higher cost (and questionable value) of legal registration. In any case, migrants often have little freedom to pursue more durable resolutions to their vulnerability. Be that as it may, these responses have, in the aggregate, contributed to reproducing the vulnerability of migrants on the border. Specifically, petty bribery or extortion payments to the police have enabled migrants to remain on the border without formal registration, thereby reproducing the border's low registration rate. Widespread nonregistration, which effectively reproduces the overwhelmingly "illegal" status of border-based migrants, in turn strengthens the power of local employers to impose low wages and labor discipline on the migrants they employ. Hence, while potentially effective at addressing their immediate protection concerns, the various tactics that migrants have employed in response to police harassment and extortion have had the unintended

effect of reproducing the larger pattern of migrant vulnerability on the border.

"Social classes," writes David Swartz, summarizing Bourdieu's position, "are not simply given in reality but are contested identities that are constructed through struggles over what is the legitimate vision of the social world and its divisions."[17] The dynamics of relations between migrants and the police outlined in this chapter have highlighted the ways in which the everyday contestations and negotiations between variously situated actors—including employers, government officials, passport brokers, migrants, and the police—have functioned to symbolically shape migrants' self-identification and to materially shape their place within the border's hierarchically structured social order. These intertwined symbolic and material struggles have played out in migrants' refusals to accept their continued subordination and the logic of police extortion, visible as these refusals are in the disparaging remarks migrants make about the police and in their daily efforts to evade or reduce extortion payments.

The contestation and negotiation that occurs daily between migrants, the police, and other local actors *outside* the workplace has served, moreover, to shape the local labor regime, with tangible effects for migrants' status and points of leverage *inside* the workplace. The everyday struggles that have played out in relations between migrants and the police along the border have, among other effects, facilitated the continued presence of a large migrant population that remains outside the realm of official registration. These struggles are evident in the corruption and bureaucratic barriers that migrants face in the registration process; the incomplete enforcement of deportation on grounds of migrants' undocumented status; the willingness of employers to hand over monthly police fees in order to retain undocumented migrant employees; systematic extortion on the part of the police; migrants' persistent evasion of the police; the widespread use of alternative, informal registration (or protection) options; and the active choices border-based migrants make in their negotiations with various local power holders. These struggles have, moreover, allowed for a contested and negotiated arrangement of migrant labor on the border—one that goes beyond the framework of Thailand's official migrant policy. This arrangement of migrant labor has, in turn, influenced the forms of migrant sociality that have developed within the workplace, as I will examine in chapter 5.

Chapter 5

Class Recomposition

Sitting on low plastic stools at a small table in one of two factory stores, Ko Soe lays a plate out in front of me. "Have some, please," he says, pushing the plate toward me. "My girlfriend made them for today's festival. They're traditional Myanmar snacks." Along with Ko Soe and myself, two other Myanmar migrants employed in the factory's weaving department are seated around the table; we are drinking instant coffee out of plastic cups and discussing life at their factory. The workers have been explaining to me the common grievances among the workforce: low pay (far below the legal minimum), their inability to earn enough to save money and send home remittances, and the employer's unwillingness to arrange legal documentation for the migrants he employs.

For the moment, however, the 130 or so Myanmar migrants employed at the Apex garment factory, along with about a dozen of their children, appear preoccupied with other matters: a group of young women sitting by the door are chatting contentedly; some young men gathered on bunks in the nearby dormitory are singing as one plays a guitar; a larger group of women

and men at the covered area in front of the dormitory rooms are preparing an assortment of curries for a communal meal; a young girl of perhaps eight years, in a little white skirt with pink flowers, runs around smiling; and another collection of people are laying down mats, tying up balloons, and preparing a low stage for the Buddhist monks who are due to arrive shortly.

It is the full moon day in the Myanmar month of Waso, and the employer has closed the factory, allowing the workers a rare day off to celebrate the start of Vassa, the three-month retreat undertaken by Buddhist monks during the rainy season. Ko Soe—whom I had met by chance at a local tea shop a few months earlier—had invited me to come to the factory where he is employed to join him and his coworkers for their celebration. The ceremony is going to be held under the roof outside the dormitory next to the little store where we are sitting.

Although migrants in Mae Sot, Thailand, get but few holidays off work, even when legally mandated, the event I am attending was not so unusual. I had, in fact, received separate invitations to attend similar ceremonies from workers at two other Mae Sot factories on this same day. As the event at the Apex factory proceeds, the visiting monks arrive, and I join the workers on the mats, where people already sitting down are chanting in unison. Our temporarily discarded sandals, lined up with all the others, form a neat cordon around the perimeter of the mats—the largest of which is simply an unfurled plastic tarpaulin. When the chanting concludes, those in attendance offer food and monastic requisites to the monks, and then share in the communal meal. The atmosphere is festive, despite the drizzling rain, and the migrant workers employed at Apex seem happy to have the time off to celebrate the event together.

Like migrants employed at factories across Mae Sot, those who gather for the Waso ceremony at Apex today fit within the increasingly global narrative of precarious labor. Their undocumented status and low wages have made them particularly attractive to Thai companies operating in the highly competitive global garment industry. And their status as migrants has prevented them from collectively mobilizing within formal trade unions. At the same time, the social bonds these migrants display challenge assertions about the breakup of workers' social cohesion under the neoliberal restructuring of employment relations. Such assertions have sought to account for the limits and defeats of organized labor, whether in broad analyses of Asian labor movements or more specifically in the case of Thailand's garment industry.[1]

In this narrative of fragmentation, as firms have shifted to more "flexible" production and employment arrangements, the resulting relocation of capital and restructuring of labor processes have fractured working-class social formations and undermined the social basis on which labor unions depend. In Italy, for instance, Noelle Molé writes of workers who are "increasingly atomized and deprived of solidarity" under a post-Fordist, market-oriented labor regime.[2] More generally, Guy Standing contends that the proliferation of "splintered labor arrangements" in production processes has led to a growth in precarious workers who "lack a work-based *identity*" and do not "feel part of a solidaristic labor community."[3] The resulting "class fragmentation" is exacerbated, Standing argues, by a "decline in manufacturing and a drift to services."[4] While Standing's argument points to global trends in labor-regime transformations, the place of deindustrialization in this narrative derives from a narrow focus on the experiences of advanced industrialized countries.[5] In addition, this analytic fix on the fragmentary effects of labor restructuring misses how certain possibilities for worker socialization have emerged out of these new conditions of flexible labor.

The situation of Myanmar garment factory workers in Mae Sot illustrates how labor flexibilization, within a broader process of neoliberal restructuring, can produce certain unintended socially constitutive effects. The very practices by which Thai garment firms have sought to achieve low-wage, flexible workforces have themselves produced conditions of possibility for new forms of relationality and socialization among workers—in a word, *recomposition*. The notion of *class recomposition*, which I draw from the workerist (or autonomist Marxist) tradition, calls attention to the ways that capitalist restructuring leads to occupational and demographic changes in the working class but simultaneously engenders new conditions of possibility for working-class social cohesion through processes of collective struggle. I employ the concept here to highlight the persistent processes of proletarian social (re)formation that develop out of capitalism's contradictions.

In investigating these processes as they develop under conditions of flexible labor, I bring the idea of recomposition into conversation with recent anthropological work attentive to new forms of subjectivity, affect, and sociality that have developed among workers in late capitalism.[6] Whereas existing analyses have emphasized the deleterious social effects of deindustrialization and the decline of the welfare state, I argue that capital flight has also made possible new social formations elsewhere—at the end points

of capital relocation. In this spirit I interrogate the thesis of class fragmentation by examining everyday intra-workforce socialization among Myanmar migrants in Mae Sot, where tendencies toward fragmentation under flexibilization have been countered by new conditions conducive to working-class recomposition. Everyday cooperation and mutual aid among migrant factory workers in Mae Sot, enacted in response to their precarious conditions of employment, have produced the social cohesion needed for more confrontational forms of collective struggle. Hence, certain possibilities for working-class recomposition are, in fact, effects of the very conditions of flexible labor that otherwise threaten to undermine working-class power.

To these ends, I proceed in this chapter by sketching some theoretical lines that draw out the socially constitutive aspects of everyday labor socialization as positive moments of working-class struggle. I then illustrate, drawing on ethnographic and interview data, how everyday working-class recomposition has played out under the conditions of flexible labor that characterize the garment industry in Mae Sot.

Conceptualizing Everyday Recomposition

Situated within a broader project of neoliberal restructuring, flexibilization was meant from the start to strengthen management control over workers and ensure high rates of labor exploitation.[7] From this perspective, working-class fragmentation helps management assert greater control over the workforce. This argument has been taken up by Piya Pangsapa in her analysis of changing production arrangements in Thailand's garment industry, specifically under a shift from day-rate to piece-rate payment systems.[8] Observing such changes in Bangkok's garment factories coming out of the 1997 Asian financial crisis, Piya argues that "worker solidarity and possibilities for resistance were thus effectively hindered as women were forced to compete with one another and to protect their livelihood by acting as 'watchdogs' to prevent anyone from trying to disrupt production. Moreover, because women were working excessive hours each day, they no longer had the time to socialize with their friends at work."[9]

While of definite analytic relevance, this focus on the socially fragmentary effects of labor restructuring risks obscuring those conditions for labor socialization that persist, or newly emerge, within flexible production ar-

rangements. To be sure, flexible labor regimes increase management's power to set the terms of work, and they can generate certain pressures that can fragment the workforce. In this respect, the shift to piecework is but a local example of a broader trend toward performance-based pay with competitive and individuating effects.[10] At the same time, however, the dynamics of flexible production have also created conditions for labor socialization—that is, working-class recomposition. Consider the observations on piece-rate pay by Ko Saing, a migrant worker involved in a strike at the Plus-1 garment factory in Mae Sot during May 2012, who notes, "Previously, there was no solidarity. By no solidarity, what I mean is that there was competition between people. [A worker would think,] 'She completes fifty units per day. So I'm going to push to complete sixty units in order to get more than her.' It's like that. And the workers don't rest. So there's competition because of the piece-rate system. And the solidarity between people is shattered. And when there's no solidarity among the workers, the employer can do whatever he wants."

Despite the "shattering" of workers' solidarity that Ko Saing refers to, he and some 125 fellow Plus-1 workers, of whom almost 70 percent were women, nonetheless went on strike to demand a pay increase as well as a shift from a piece rate to a day rate. In other words, the piece-rate system, which served in some ways to divide the workers, also brought them together as a common grievance around which to coalesce in struggle. Plus-1 is, moreover, not the only Mae Sot factory whose workers have fought the piece-rate system. Indeed, at factories throughout Mae Sot, piecework remains incompletely imposed—that is, day rates remain widespread. As a strategy of flexible production, then, the piece-rate payment system has emerged as a salient issue of collective mobilization.

In terms of labor socialization, the experience of Ko Saing and his coworkers hints at the presence of centripetal countertendencies within workers' social relations under flexible-production regimes whose social effects thus cannot be reduced to unidirectional movements toward working-class fragmentation. Rather, contradictory forces persist, pushing forward a double movement of both fragmentation and recomposition. To better grasp this double movement theoretically, what is needed is a framework that incorporates both tendencies.

Insofar as certain quotidian practices among workers establish their social cohesion (thus strengthening their collective power), while certain quotidian

practices by management serve to fragment it (thus weakening workers' collective power), these dynamics entail forms of everyday class struggle. In theorizing this struggle, I take as a point of departure James Scott's seminal work on everyday resistance, which he describes as "the nearly continuous, informal, undeclared, disguised forms of autonomous resistance by lower classes . . . the ordinary means of class struggle."[11]

Scott's framing of everyday resistance usefully calls attention to the persistence of such practices even when open, collective defiance is absent. Yet while resistance is a fundamental aspect of class struggle, it is only the *negative* moment of this class relation. To limit our focus to resistance occludes the *positive*—that is, socially constitutive—moment of class struggle. As Harry Cleaver explains, while the negative moment of working-class autonomy entails workers' resistance to exploitation, the positive moment entails "the self-constitution of alternative ways of being." Cleaver adds,

> While it can be said that capital seeks a "class composition," i.e., a particular distribution of inter- and intraclass power which gives it sufficient control over the working class to guarantee accumulation, it is also true that workers' struggles repeatedly undermine such control and thus rupture the efficacy (from capital's point of view) of such a class composition. Such a rupture occurs only to the degree that workers are able to *recompose* the structures and distribution of power among themselves in such a way as to achieve a change in their collective relations of power to their class enemy. Thus the struggles which achieve such changes bring about a "political recomposition" of the class relations—"recomposition" of the intraclass structures of power and "political" because that in turn changes the interclass relations.[12]

Cleaver's work draws heavily on Italian autonomist Marxists, and in particular the concepts of class recomposition and self-valorization, which Antonio Negri deploys in his reading of Karl Marx's *Grundrisse*.[13] Negri applies these terms to call attention to the ways working-class social formations—which increase workers' cohesion and collective strength—productively emerge within collective struggles, such as those over wage rates. Writing in the 1960s, Mario Tronti employed the notion of class recomposition not only to flag a process of proletarian social formation but also to index the primacy of workers' struggles in catalyzing capitalist development.[14] Capitalist systems of production and control must continually transform, that is, *in response to* working-class organization and struggle.

But such transformations inevitably create new conditions of possibility for working-class recomposition. Hence, while prompted by the 1997 crisis, postcrisis capital relocation and labor flexibilization in Thailand's garment industry can be seen as capitalist counterattacks against the organizational achievements of Thai garment workers at factories in and around Bangkok during the precrisis period. Yet these maneuvers of capital have, in turn, created new conditions for working-class recomposition among migrants from Myanmar employed at Mae Sot's garment factories.

Now, without seeking to downplay the importance of open, collective struggles in producing working-class social formations, what I call attention to here are processes of *everyday* recomposition. By this I mean the (intraclass) socially constitutive processes that develop outside open, collective defiance. Everyday acts of mutual aid and cooperation are socially constitutive in the sense that they contribute to workers' social cohesion and the future possibility of solidarity-based collective action, even when these acts do not in themselves entail resistance. In addition, when acts of everyday cooperation *do* involve resistance (as when coworkers help each other to discreetly break factory rules), they manifest, in Cleaver's terms, both positive *and* negative moments of class struggle.

Everyday class struggle thus includes both everyday (interclass) resistance, as Scott highlights, as well as everyday (intraclass) recomposition. By establishing a social basis for workers' solidarity, this everyday recomposition transforms the conditions of possibility for open, collective defiance. It is from this theoretical perspective that I will examine how everyday labor socialization has effected class recomposition among Myanmar migrants in Mae Sot.

Situating Recomposition within Flexibilization

Among those attending the Waso ceremony at Apex was U Myint, a Myanmar man in his late forties who was paid a daily wage of ninety-five baht (about three dollars) for an 8:00 A.M. to 9:00 P.M. shift cleaning and doing general maintenance at the factory. When we met, U Myint had already worked at Apex for almost two and a half years. The wages at Apex were low, he said, and he could not save any money, but still he had called his wife and son from Myanmar to join him to live and work at the factory—he had missed them

too much, he told me. As we spoke, U Myint called over his son Ko Kyaw, a young man in his early twenties whom U Myint introduced proudly.

Displays of friendship and intimacy, such as those between U Myint and his son, were plentiful among the Apex factory's migrant workforce. One married couple I met, both of whom worked on the production floor, ran the small-goods store near the factory dormitory during their off hours, selling cooking supplies and food like instant noodles, soy sauce, onions, three-in-one instant coffee sachets, and various dried snacks that hung from the ceiling joists. This was the store where I had joined Ko Soe for coffee before the beginning of the Waso ceremony. The husband of this couple, Ko San, told me that he mostly sold to his coworkers on credit, without charging interest, the informal agreement being that customers would repay this credit in a month when the workers' wages were next disbursed. But in some cases, he said, he had to let it go when customers could not fully repay him because of a drop in production orders or a particularly low piece rate. "What can I do?" he said with a shrug. After all, both vendor and customer in such cases were production workers, employed at the same factory and living together in the same dormitory. And so, in these various ways, this workforce was dense with social relations. Instances of cooperation and mutual aid enacted to deal with the shared experience of precarity had produced a web of mutual obligations, one that was spatially concentrated within the contours of the factory dormitory.[15]

The flexibilization of labor in Thailand, particularly following the 1997 crisis, has entailed an increased reliance on undocumented migrant workers. The predominantly undocumented status of these migrants has strengthened employers' abilities to keep wages well below the legal minimum, enforce overtime work, arbitrarily dismiss employees without paying legally required severance, suspend work and wages temporarily when there is a drop or delay in production orders, avoid contributing to the government-mandated Employee Welfare Fund, and avoid paying legally obliged compensation for workplace injuries. It is such conditions of employment that mark these migrants as particularly flexible and especially precarious.

This shift to flexible labor regimes in Thailand has resulted in the widespread use and particular function of factory dormitories in Mae Sot. As Mae Sot's migrants have remained largely undocumented, employers have had to provide on-site residence to protect them from immigration authorities and to make up for the insufficiency of affordable housing outside the

factory grounds. The circumstances of living in factory dormitories has intensified opportunities for—and pressures toward—workforce socialization, as migrants spend nearly all their time together in close quarters and spend relatively little time outside their place of employment due to the threat of arrest, extortion, detention, and deportation they face from the police.

The dormitory-style housing for migrant factory workers in Mae Sot differs from other regional industrial labor contexts wherein factory workers have their own off-site residences among family and neighbors who are not their coworkers. Such is the case, for example, at the Hlaing Thar Yar industrial zone on the outskirts of Yangon, where some of the migrants with whom I spoke had previously been employed. Journalist Patrick Winn's account of the labor arrangement in Hlaing Thar Yar highlights the different social dynamics between on-site dormitory residence and off-site housing, noting that "Fahim [a factory owner] . . . spends tens of thousands [of dollars] per year busing in villagers to a government-designated industrial zone—a move that, he said, is cheaper than building on site dorms and dealing with the inherent tumult in running a small commune at the factory site. 'Ten workers, to me, that's 10 headaches,' he said."[16]

The dormitory system at Mae Sot's factories can be traced back to an earlier situation in Bangkok garment factories employing internal migrants from Thailand's northeast at the turn of the 1990s.[17] Whatever the extent of their earlier use, by the time of the 1997 Asian financial crisis the provision of dormitory residence for garment factory workers in Bangkok was no longer standard, and where it was available it was often limited to a small portion of a company's employees.[18] Instead of dormitory residence, most Thai garment factory workers at this time resided at "small rented rooms in 'shop houses' scattered throughout Bangkok."[19] With the relocation of garment factories to the border area following the 1997 crisis, and the shift in employment toward undocumented migrants, residence at factory dormitories again became the norm. In addition, dormitories housing migrants at border-based factories took on the additional function of immigration protection due to the largely undocumented status of these migrants. As was discussed in chapter 4, the standard arrangement during the time of my fieldwork was for factory managers to pay 150 baht per month per undocumented worker—taken from the wages of each undocumented migrant they employed—to local police to prevent a raid. So long as migrants remained on factory grounds, they did not need to worry too much about police

harassment on the basis of their immigration status. This expansion of dormitory provisions at border-based garment factories, relative to Bangkok's factories at the time of the 1997 crisis and the new function these barracks serve for immigration protection, can thus be tied to Thailand's shift to flexible labor regimes.

Factory dormitories serve to control and protect migrants and enable increased profits by reducing the wages necessary to reproduce labor power.[20] Yet the use of dormitories in Mae Sot has also entailed a spatial concentration of workers, following from the "centralization of the means of production," which Marx saw as pivotal to the socialization of labor.[21] Hence, with migrants concentrated under labor-intensive industrialization in close living quarters and working conditions in factory dormitories, labor socialization—as a process of working-class recomposition—has developed among Mae Sot's migrants through bonds of friendship, mutual aid, and certain cooperative forms of everyday resistance. It is to such practices that I now turn.

As at the Apex factory, the dormitory setting has provided regular opportunities for Mae Sot's migrants to make new friends, discuss shared experiences, and complain about poor wages and working conditions. Dilapidated and unhygienic dormitory conditions can themselves, in fact, serve as unifying nodes of solidarity and collective action. This occurred during my fieldwork at the Supafine Fashion factory, whose workforce submitted a collective demand to the Labor Protection Office that their employer be made to improve the supply of water for bathing and to replace broken or missing doors on the dormitory's toilet stalls. This on-site residence allows, then, for intimate relations among workers, despite excessive working hours and limited free time. In the singles' sections of most dormitory sleeping quarters, metal-frame bunk beds, fitted with platforms of plywood, are pushed together to create a single sleeping space on which plastic mats are laid out; everyone, in effect, sleeps together.

A rather positive outlook on the intimate arrangements of dormitory living was provided to me by Ko Myo, who lived and worked at the Supafine Fashion factory. "In the factory we're like siblings," he said, "It's like a family." Ko Myo's statement conveys a marked difference in his own experience of workplace relations from those in much of the postindustrial Global North. In post-Fordist Italy, for instance, the explicit rejection of kinship metaphors for workplace relations distinguishes the tropes used for contemporary labor

regimes from those of the country's Fordist past.[22] Ko Myo's description was, moreover, quite literal: not only was his wife (whom he had met and married at the factory) working and living with him at the same workplace, but so too were a large contingent of his in-laws—their familial relations having inclined them to seek employment together. Indeed, beyond friendships, more intimate relations, such as marriages, are relatively frequent among Myanmar migrants employed at Mae Sot's factories. Because these mostly single workers in their late teens and early twenties live together in cramped factory dormitories, there are regular opportunities to meet new partners and develop romantic relationships. At the Supafine Fashion factory compound where Ko Myo worked there were an average of three to five weddings celebrated each year among the more than five hundred Myanmar migrants employed there. Such marriages have also crossed what are often blurred ethnic lines. Ko Myo, for example, was ethnic Chin, and his wife Burman.

At the wedding I attended of a couple employed at the High Life factory on the outskirts of the town of Mae Sot, the other migrant employees had cooperated in constructing a ceremonial pavilion right in the middle of the factory's cafeteria. A purple cardboard sign displaying the newlyweds' names, decorated with heart-shaped stickers and a painted bouquet of red and yellow flowers, had been set above the pavilion's ribbon-festooned entrance. Production at the factory did not actually stop for the event, but the manager permitted those who so desired to take a break to attend the ceremony before returning to their machines (since the workers attending the wedding were paid a piece rate, time off was at their own financial loss). Those who chose to remain working could still listen to the Burmese pop music being played from a large speaker system rented for the occasion, as the cafeteria was not far from the production floor. Some of those operating sewing machines could even watch the event through the large open doors of the production building. By 11:00 A.M. the wedding reception had been wrapped up, the pavilion was being dismantled, and most of the guests had returned to work. The bride had been employed at the High Life factory for about four years; her parents, who ran the cafeteria's rice distribution, had worked there even longer, as had her older sister and brother, who, like her, were employed on the production floor. The groom was thus marrying into an established factory family.

On the basis of such dense social relations, and given their precarious financial situations, individuals frequently turn to their coworkers for help in the face of unexpected difficulties. Such mutual aid among Myanmar

migrants in the factory setting often involves supporting emergency health care or providing small no-interest loans. Regarding this issue, Ko Soe from the Apex factory told me of an occasion when he and his coworkers helped a young woman who had fainted on the production floor due to overwork. After she fainted, he said, "I personally phoned a doctor I know. I went to borrow money from the personnel manager for the young woman. I asked to get an advance on my wages. But he wouldn't give it to me. So, among us workers, we collected money and were able to send this young woman to the hospital. The workers help each other out in ways like this."

In some cases, migrants working along the border have established more durable mutual aid associations (known in Burmese as *thaye naye aphwe*; literally, an association for occasions of joy or grief) to manage the financial costs of such things as emergency health care, funerals, and weddings. These associations—funded by members' monthly contributions—are especially relevant given the financial precarity of so many migrants in the area. Migrants employed at the Supafine Fashion factory (when it was under a previous owner and had a different name) maintained such a mutual-aid association from 2000 to early 2009, when a lack of orders following the 2008 global economic crisis led the factory to close, the workers to disperse, and the association to dissolve.

Within the factory context, cultural and religious events, such as the Waso ceremony at Apex, have further brought workers together in cooperative, socially bonding activities. Common celebrations among the predominantly Buddhist factory workers in Mae Sot include the Buddhist New Year (Thingyan) in mid-April, the start of the Vassa monastic retreat in July or August (Waso), the close of the Vassa retreat in October or November (Thadinkyut), and the monastic donation ceremony (Kathein) after the close of the Vassa retreat in November. In factories throughout Mae Sot, workers commonly pool their money, resources, and time to make these activities collective, rather than individual, undertakings. Ko Saing, whose experience in the May 2012 Plus-1 factory strike I mentioned earlier in this chapter, explained the communal character of these events like this:

> In the factory there are religious and cultural festivals. For example, we're Buddhists, so Thadinkyut and the full moon of Waso are religious days. On those religious days we hold a donation ceremony, and all the workers listen to a sermon together and make a donation. When they are making that donation, the

> items to be donated are not purchased ready-made. If ready-made items are bought, then the workers don't need to prepare them together. If ready-made items are bought, then there's no friendliness. So we ourselves cook the food that is to be served. The workers all cooperate, saying, "I'll do this. You do that." When the workers do it themselves, they become closer. They cook and eat together. And they get a better understanding among one another.

Ko Saing's account illustrates how working-class recomposition has developed through discourses of religious (but also ethnic, national, and kinship) ties. Such communal framings do not necessarily undermine the power of these relations to coalesce workers in moments of collective struggle, and they can serve as important vehicles for more durable working-class organization.[23] In Mae Sot, processes of class recomposition have often explicitly drawn on discourses of national affiliation. Ma Htay, a young woman who took a leading role in organizing her department during a series of strikes at the Supafine Fashion factory in 2013 (which will be discussed in chapter 6), explained to me that she took on this role because she "wanted to help our Myanmar people."

Reading precarity through the lens of the nation, as does Ma Htay, or living it through religious practice, as does Ko Saing, calls attention to the historical and cultural specificity of these emergent patterns of affect and sociality. It would thus be misleading to gloss the affective register of contemporary Myanmar migrants in Thailand as post-Fordist, implying nostalgia for the lost promises of a Fordist-Keynesian future.[24] While the Fordist/post-Fordist dichotomy has been applied to analyze labor regime transformations in Thailand,[25] even during the height of the country's 1987–96 economic boom years Thai industrial workers were never promised the same level of socioeconomic security or allowed the same middle-class aspirations as were equivalent workers in mid-twentieth-century North Atlantic welfare states. For Myanmar migrants, moreover, the historical experience is even more divergent, as many come from agrarian backgrounds and most are too young to remember even the moderate welfare provisioning of Myanmar's socialist past. Rather, for many Myanmar migrants, dominant structures of feeling are shaped more by collective identification as a displaced national (or ethnic) community sharing the precarious socioeconomic conditions of migrant life on the border, significantly disembedded from relations of community and kin back home in

Myanmar, and now residing in a country that feels largely antipathetic toward them. These situated structures of feeling are part of the cultural topography on which workplace militants have sought to bolster solidarity and mobilize their coworkers. It is thus here, in this space of critical subjectivity, that we can speak of the emergence of counterhegemonic proletarian cultural formations among migrants—cultural formations that call into question the efficacy of consent-seeking technologies of rule, like the Labor Protection Office's dispute resolution mechanisms, and which also threaten to destabilize the border's would-be hegemonic order.

Entailing a shift toward the increased employment of migrants, flexibilization in Thailand has, to be sure, made possible new intraclass cleavages, as Thai and Myanmar workers experience nationality-based divisions. Myanmar migrants have, for instance, been construed in popular Thai discourse and in the Thai government's education curriculum as a racialized threat to the Thai nation.[26] One outcome of such popular discourse is that Thai workers have often seen Myanmar migrants as criminals or even ghosts rather than class comrades.[27] This very cleavage, however, has also contributed to class recomposition among (at times ethnically diverse) Myanmar migrants working at particular factories. This enterprise-level class recomposition, frequently expressed in terms of shared nationality, has in turn countered, to a certain extent, the fragmentary tendencies of flexible labor regimes.

There are, then, some rather particular features of migrant factory life in Mae Sot that have contributed to workforce socialization. Migrants here find incentives to cooperate arising from the low earnings and insecurity of factory work. Their everyday social relations are spatially concentrated within the factory compound—a feature heightened by dormitory residence and their shared status as vulnerable, undocumented migrants wary of encountering the police outside their workplace. And they retain a sense of shared nationality, and in many cases ethnicity, while being socially isolated from, and even antagonized by, the domestic Thai population.

These conditions are not unique, however, as flexible labor regimes of various shades now characterize low-wage industrial production across the Global South. Consider Pun Ngai's account of the dormitory labor regime used for housing workers at factories in China's Shenzhen Special Economic Zone. These workers' barracks have, she points out, enabled managers to exert "exceptional control over the workforce" and to deploy labor flexibly

to meet shifts in demand. But the dormitory setting has also provided space—indeed, "the bedrock"—for migrant women to build solidarity, mobilize, and organize strikes outside formal trade unions.[28]

Such new loci of socialization remain out of sight, however, when the analytic focus stays on the fragmentation of formerly dominant, often unionized, often white, national working classes in the Global North. When placed within a connected narrative, however, the unmaking of a historically particular working class, followed by the (re)making of a new working class in the same industry, but located elsewhere, in fact characterizes all large-scale processes of capital relocation in search of cheaper, more docile labor pools.[29] A more complete analysis would therefore connect these two moments within a single narrative arc. As a nationally delimited example, the case presented here situates fragmentation and recomposition within a process of postcrisis capital relocation in Thailand's garment sector—from Bangkok to the border.

From Socialization to Collective Action

The examples of workers' cooperation provided thus far do not in themselves contest interclass relations of production. In certain cases, however, cooperative practices among Myanmar workers on the border have played out in discrete forms of everyday resistance to management. While employers have sought to maximize the amount of labor extracted from their employees in a given period of paid work, workers there have persistently sought to reduce their expenditure of labor power. To prevent such self-reductions in productivity, Mae Sot factory managers have implemented various workplace rules, including restrictions on the length of time allowed for bathroom breaks, fines for lateness, and prohibitions on the use of cell phones or on eating and smoking during work hours. Against such managerial assertions of control, workers in Mae Sot have regularly sought to discreetly circumvent these rules, asserting their own control over the expenditure of their labor power. Such discreet practices, which seek to thwart factory rules, fit Scott's notion of everyday resistance. So long as they go unnoticed by coworkers, such acts remain solely in the register of resistance—that is to say, in Cleaver's lexicon, *negative* class struggle.[30] When such acts of everyday resistance become in any way cooperative, however, they bring into play additional,

socially constitutive processes of everyday recomposition—that is, *positive* class struggle.

Cooperative forms of everyday resistance among migrant factory workers in Mae Sot include the following: consciously disregarding coworkers seen breaking workplace rules (i.e., "looking the other way"); encouraging coworkers to break workplace rules or advising them on how to do so; keeping a lookout for managers and giving a warning signal when managers return; and lying to managers to cover up for rule-breaking coworkers. Migrant factory workers with whom I have spoken explain that they "have an understanding" among themselves, according to which they engage in these practices. Ko Soe elaborated on this arrangement:

> When a worker is really hungry, if the manager isn't around, the worker will sneak away quickly to get a bite to eat. The other workers [will say,] "Go over there to eat." And there are workers who will keep a lookout. The workers must get up early in the morning and get to work by eight o'clock. Some workers arrive in a rush just at eight, and they're really hungry. But they need to stamp their time cards. They stamp their time cards so that they won't be late. They watch the manager, and if the manager steps out, they sneak a bite to eat. And the other workers keep a lookout. If the manager's coming, then they'll call out to inform the worker [who is eating].

In many cases, the ability of rank-and-file production workers in Mae Sot to break factory rules has depended on help from line supervisors, despite the latter's often ambiguous class allegiance. When line supervisors sympathize with workers' concerns, they may help them break factory rules or cover for workers who have already broken them. Daw Lay, for instance, who had worked as a line supervisor at the Supafine Fashion factory, told me she strongly sided with workers against management and had taken part in multiple strikes at the factory. While employed there as a line supervisor, she helped production workers break rules in various ways, including punching time cards for late workers and filling in for those who missed work without management approval. More commonly, however, Daw Lay lied to managers to cover up for workers who were temporarily absent from their stations, usually because they took too long at the toilet, stepped out to eat or smoke, or went back to get something from the factory dormitory. "If a worker was absent," she recounted,

> the supervisor would call me over and ask, "Has the worker gone to the toilet? Has the worker returned to the dormitory?" If the worker hadn't yet returned, I'd say that the worker had gone to the toilet and had only been gone for two minutes. Or I'd say that the worker had gone to get a spindle of thread. I've given many kinds of excuses. If I didn't say that the worker had gone to the toilet, then I'd say she'd gone to get thread, or that she'd gone to deliver some garment. But if the supervisor came around a second time and didn't see the worker again, there would be a problem, and I wouldn't be able to resolve it. So if the supervisor was going to come around again, I'd pretend to be fixing the sewing machine, as though it had broken down. The workers were grateful for this. And there were many workers who were fond of me and trusted me. And so when there was a strike, the workers were always organized. If a worker was going to take the lead and say, "Okay, we're going to do this," then all the workers would say okay and do it together.

As Daw Lay indicates, cooperation among workers—as practices of everyday class recomposition—has helped build the social cohesion needed for collective action. This social cohesion has formed, in turn, the basis of workers' solidarity when strikes are carried out, as I will examine in chapter 6. Everyday mutual aid, cooperation, and understanding among workers have thus strengthened their collective power vis-à-vis management and have served as counterweights to processes of class fragmentation.

The social dynamics presented in this chapter illustrate both everyday class fragmentation and everyday recomposition among Myanmar migrants employed in Mae Sot's garment industry. The fact that class recomposition continues under local flexible labor regimes challenges recent analyses that see in flexibilization solely a process of class fragmentation.[31] Contemporary regimes of flexible labor, such as those at Mae Sot's factories, do indeed entail pressures leading to the breakup of workers' social cohesion. But conditions for labor socialization have also facilitated class recomposition, at least at the scale of the individual workplace. Moreover, certain possibilities for recomposition are, like new patterns of sociality in post-Fordist Japan, effects of the very conditions of flexible labor.[32] Precarity can thus, as Anne Allison suggests, provide conditions for "new forms of collective coming-together."[33] Yet given the differing social effects of flexible labor in the industrializing Global South versus the deindustrializing (or postindustrial) Global North, greater distinction between the two is warranted in any analysis of contemporary

experiences of precarity. And when sites of contemporary industrialization in the Global South are end points for capital flight from the Global North, or from former industrial areas in the Global South, these two moments need to be analyzed together within a connected narrative of capital relocation. An unmaking of the working class through deindustrialization, alongside its remaking elsewhere—whether the shift be from north to south or south to south—is no global farewell to the working class. Indeed, even with the contemporary proliferation of informal work, today's global industrial proletariat is far larger than it has ever been before.

Contemporary arguments of class fragmentation are misleading not simply because they project capitalist history from the Global North onto the diverse histories of capital in the Global South. Also at stake here is the claim that formal union density, with its contemporary global decline, serves as a comprehensive measure of working-class solidarity more generally. Such a narrow focus on formal unionization misses the emergence of new forms of informal worker organizing in the space once occupied by registered trade unions. Whatever the limits of informal worker organizations, they have often been able escape the institutional hierarchy, bureaucratization, and subordination to political parties that characterize many formal unions, as I will examine in chapter 6.

But processes of recomposition are not, of course, automatic; they depend on the interactions and cooperative struggles of particular groups of workers. Insofar as labor flexibilization and everyday management practices undermine workers' social cohesion, they strengthen management control over workers and the ability of managers to dictate the terms of work. By contrast, where everyday acts of mutual aid and cooperation among workers help build social cohesion—and thus workers' capacities for collective action—they strengthen workers' collective power vis-à-vis management. These competing tendencies play out in the workplace in the form of everyday class struggle. Everyday class struggle therefore entails not only workers' (interclass) resistance to exploitation but also their (intraclass) recomposition. Recognizing these processes thereby opens up for analysis emergent possibilities for workplace organizing, as in the case of the Supafine Fashion factory, which I will examine in chapter 6.

Chapter 6

Organizing under Flexibilization

Confronting the fallout of neoliberalization over the past thirty-plus years, it has become rather commonplace to point out the limits and defeats of organized labor—the global decline of trade union density being an often cited gauge of ill health for the working class. And indeed, such has been the trend within analyses of Asian labor movements. In the context of Thailand's garment industry, Piya Pangsapa has suggested, for example, that following the 1997 Asian financial crisis a shift from a Fordist to a post-Fordist organization of production—involving a relocation of capital from relatively unionized areas around Bangkok to nonunionized (and more precarious) factories in the country's outlying provinces—has meant that "strikes and work stoppages are becoming a thing of the past."[1] Similarly, reading formal unionization as an index of labor solidarity, Dae-Oup Chang writes that migrant workers in Thailand are "excluded almost completely from solidarity protection."[2]

Where rank-and-file industrial actions have erupted outside formal trade unions, these events are often viewed with a mix of sympathy (at their

ambitions) and pity (at their apparent futility). Regarding such autonomous industrial actions, Frederic Deyo writes that these "protests have rarely brought enduring gains for workers. . . . The difficulties of organizing such a workforce into effective unions, along with the associated difficulty of mounting well-organized pressure on employers, continue to undercut labor movements among workers in the large export-manufacturing sectors of South-East Asia."[3]

That such union-centered analyses blind us to the alternative forms of labor struggle that have developed within Asia has already been thoroughly critiqued.[4] Among other shortcomings, union-centered approaches to evaluating Asian labor movements often take a normative view of labor politics drawn from a mid-twentieth-century Euro-American model.[5]

It is, of course, important simply to recognize the persistence of collective revolts on the part of precarious workers employed outside formal unions. Doing so challenges structurally determinist dismissals of workers' capacities for militant self-organization under precarious labor conditions. My aim in this chapter, however, is not simply to call attention to the persistence of autonomous workers' struggles in yet another Asian labor context. Rather, and more significantly, I aim to draw out the ways in which the forms and dynamics of these struggles have been shaped by their particular conditions of emergence—the laws and policies regulating labor; geographic concentrations of capital; flexible employment relations; forms of governmental intervention; and a certain constellation of class forces—that are themselves the outcomes of earlier class struggle.

I also want to underscore, however, that resistance does not exhaust the forms that labor's agency may take. This is a point that is central to my analysis of labor struggles in Mae Sot, and one that follows from important anthropological critiques of the analytical reduction of agency to resistance.[6] Consequently, populations that are themselves subordinated in relations of state domination may nonetheless seek to benefit through constructive engagement with agents and institutions of the state, even if the desired benefits of such engagement prove fleeting in the end. Such supplications to the state may, of course, reinscribe relations of state hegemony. But appeals to the state may also, as in the case at hand, be seen by the supplicants in question as pragmatic tactics for contesting—partially, perhaps, and transiently—relations of domination at other sites and at other scales, such as that of capitalist domination in the workplace.

In Mae Sot this engagement with the state, and with the Labor Protection Office (LPO) in particular, has been a cautious, contentious, and often frustrating endeavor, the merits or futility of which have been frequently debated among the migrants involved. As the case I portray in this chapter demonstrates, there is a persistent uncertainty among migrants in Mae Sot as to the stability of law, the ground under which seems to repeatedly fall away. The outcome is a deep ambivalence among migrants in Mae Sot toward the Thai state—an ambivalence in the Freudian sense of a conflicted mix of hostility and desire. This ambivalence is bound up, I suggest, with the fraught hegemony of Mae Sot's labor regime, which was discussed in chapter 2. Between rights that are promised but never wholly realized, between the mandates of governmental agencies and the unpredictable practices of state agents, migrants in Mae Sot have often found themselves on deeply uncertain ground. In the cases that I have followed in Mae Sot, migrants have never wholly rejected the law as a space for engagement and as a point of leverage in the aspirational claims they make on the state. Yet there always remains a potential for those frustrated with the inadequacy of the law, and of the formal conduits for legal redress, to instead take direct action outside official channels.

Thus, the question that I ask in this chapter is, what forms of struggle have emerged under the particular conditions of flexible and precarious labor in Mae Sot? My argument, stated most broadly, is that flexibilization has been part of a mutually constitutive transformation in capital-labor relations, which while at once undermining prior forms of working-class organization and struggle, has simultaneously shaped and made possible new (or at least a return to older) forms of workers' collective action.[7] There are, to be sure, contextual particularities to the ways in which this process has been manifested in Mae Sot. But I also want to suggest that my claim resonates in many other contexts in which flexibilization has uprooted prior labor-management compacts. For this reason, I suggest that labor flexibilization can be broadly understood as a process akin to what David Harvey, drawing on Joseph Schumpeter, has referred to as neoliberalism's "creative destruction." In Harvey's framing, this destruction has entailed an "assault upon institutions, such as trade unions and welfare rights organizations, that sought to protect and further working-class interests." This destruction has been *creative*, argues Harvey, insofar as it has "either restored class position to ruling elites . . . or created conditions for capitalist class formation."[8]

My own emphasis on what constitutes the creative outcomes of this process differs from that of Harvey. Neoliberalization's creativity, I argue, has for the purpose of my argument been most significant, not by establishing new conditions for capitalist class formation, but by shaping and making possible new forms of working-class organization and struggle. This is not to say that these resulting forms of struggle are necessarily "better" or more effective at delivering tangible results to workers than are formal trade unions. I claim neither that conventional trade unions in Thailand are effectively dead nor that they are necessarily an outmoded strategy. Nonetheless, attention to the details of autonomous industrial actions that workers have put into practice outside formal unions allows us to consider what opportunities for workers' struggles remain available under contemporary regimes of flexible and precarious labor—in Thailand or elsewhere. This analytical openness to the forms of autonomous working-class struggle that have emerged under neoliberalization is an approach I share with Immanuel Ness, who has similarly called attention to forms of syndicalist-style organizing that workers have pursued in this era of the decline of the formal union.[9]

Very generally, then, I call attention here to the ways in which transformations in capitalist production have undermined earlier forms of (what are often centralized and hierarchical) labor organizations, thereby opening space for a variety of decentralized and autonomous workers' struggles. To this end I outline in the following section the ways in which flexibilization has made possible particular forms of labor struggle in Thailand. I then provide, in order to illustrate this argument in detail, an extended case study of a workplace struggle at one Mae Sot garment factory—a struggle whose participants I accompanied from May 2012 to June 2013.[10]

The Transformation of Struggle in Thailand

Even at their strongest moments, formal trade unions in Thailand have never enjoyed the stable, institutionalized position held by their Euro-American counterparts at the height of the mid-twentieth-century Fordist-Keynesian era. While Thailand's 1956 Labor Law legalized union formation, Field Marshal Sarit Thanarat, leader of the country's 1957 military coup, abrogated the law in 1958, little more than a year after its promulgation. It was only in

1975, following widespread industrial unrest, that workers in Thailand were again legally entitled to establish unions, and this under the restrictive terms of the new Labor Relations Act (LRA).

Prior to the 1975 legalization of unions, workers in Thailand had the habit of organizing strikes at the point of production—submitting their demands only after having stopped work. By first shutting down production, Thai workers were able to approach collective bargaining with a certain degree of leverage. This "strike first, bargain second" tactic was one that subsequent labor legislation, beginning with the 1965 Settlement of Labor Disputes Act, and continuing with the 1975 LRA, "was clearly designed to stop."[11] Under the terms of the LRA, it is only when institutionalized collective bargaining has failed to reach a negotiated settlement that workers are legally entitled to strike. Hence, while the 1975 LRA provided legal space in which unions could operate, the law also served to inhibit disruptive industrial actions (which privileged workers), diverting workers' energies instead into nondisruptive bureaucratic procedures (which privileged employers). Among the outcomes of these legislated constraints on unions was that by the 1980s various district-based labor organizations opted *not* to register as formal unions due to "the general ineffectiveness of the officially sanctioned and legally registered labor movement."[12]

However constrained such unions may have been, their position was further undermined by the flexibilization shift that began in Thailand around the turn of the 1990s and which intensified following the 1997 Asian financial crisis. Kevin Hewison and Woradul Tularak thus argue that flexible employment in Thailand has served as "a powerful means to limit the capacity of workers to collectively organize."[13] And indeed, among the effects of Thailand's flexibilization shift has been a sharp decline in formal union density, which remains at less than 4 percent of the country's workforce.[14]

What, then, are the effects of a decline in union density if formal unionization had previously been a means to contain industrial action? The torching of the Saha Farms chicken processing plant (as recounted in chapter 2) is but one of the more dramatic outcomes. More common have been extralegal rank-and-file work stoppages initiated at the point of production. Hence, by constraining formal unionization, employment flexibilization in Thailand has opened space for workers to pursue their grievances through autonomous, extrainstitutional workplace struggles. As such industrial actions expanded in Mae Sot beginning around 2002, state agencies—in part

pushed to act by labor rights organizations—sought to contain these labor struggles using those clauses of the 1975 LRA that cover nonunionized workers. Employers, for their part, have begrudgingly engaged with the LPO while taking advantage of legal restrictions on industrial actions. But employers have also relied on police backing and migrants' fears of arrest and deportation. The dynamics of workers' struggles in Mae Sot at the time of my fieldwork thus developed out of a dialectic between autonomous industrial actions and employers' efforts at containment—whether through workplace harassment and the persecution of labor organizers, engagement with state industrial relations mechanisms, or police repression.

The Case of the Supafine Fashion Factory

Only a five-minute walk from Mae Sot's central market, the Supafine Fashion factory is better known in the local migrant community by the name Champion—the company under which it was formerly registered. At its peak in 2007, the Champion factory employed over four thousand workers, almost all from Myanmar. Following the 2008 global economic crisis, the owner declared bankruptcy, shut the factory, and laid off the entire workforce. When the factory reopened under new ownership in June 2010, fewer than two thousand workers were hired. Over the next two years this figure declined, as much of the workforce acquired migrant passports and relocated to Bangkok and other higher-paying provinces. By April 2012 the workforce was down to approximately 530 people. The largest departments at this time were sewing (with around 140 employees doing piece-rate work), and weaving (with around 100 employees working at day rates). According to a survey I conducted among migrant employees at this factory, about 80 percent of the workers were women, and about 15 percent had some form of official documentation for residence in Thailand.

Previous investigations into the Champion factory by Dennis Arnold and Kevin Hewison found that garments were being produced there under the Tommy Hilfiger label—the work being subcontracted through the Hong Kong–based South Ocean Group.[15] By the time of my fieldwork, the factory was jointly owned by three Sino-Thai men (one based in Mae Sot, the other two in Bangkok) and was primarily manufacturing garments under the Muji brand, a product line of the Japanese corporation Ryohin Keikaku.

As of April 2012, the majority of day-rate workers at the Supafine Fashion factory were earning 75 baht (about US$2.34) for an 8:00 A.M. to 9:00 P.M. shift, with one hour off for lunch and another off for dinner. From 9:00 P.M. onward these workers received overtime pay at a rate of 7.5 baht per hour, with overtime usually going until 11:00 P.M. As section 23 of the 1998 Labor Protection Act delimits any work beyond an eight-hour workday as overtime, the three hours from 6:00 to 9:00 P.M. were for the Supafine Fashion workers' effectively unpaid labor, as well as constituting forced overtime (in violation of section 24 of the act). Furthermore, the 75 baht daily pay rate was approximately 67 percent below Tak Province's recently increased daily minimum wage of 226 baht. Those paid a piece rate were at this time earning 165 baht per dozen units, which for most workers was taking about one and one-half to two days to complete—meaning they were earning about 82 to 110 baht per day. By comparison, in 1990 Mary Beth Mills documented that most Thai workers employed at registered garment factories in Bangkok received the legal minimum wage of 97 baht per day, at least following an initial probationary period, with dormitory residence and rice provided without deductions.[16] Hence, twenty-two years later, the daily wage being paid to most workers at Supafine Fashion (and at many other Mae Sot garment factories) had actually *decreased* in absolute terms from the 1990 rate. Beyond the problems of wages and work time, the workers I spoke with complained of grossly unhygienic sanitary facilities, a lack of water for bathing, and the fact that the doors on many of the dormitory toilet stalls were broken or had fallen off.

Dissatisfied with this situation, and under pressure from inflation in the cost of basic goods, groups of workers regularly discussed common grievances together at night in the factory dormitory, the socially constitutive significance of which I discussed in chapter 5. These workers, however, were unwilling to commit to collective action. Some later told me that the main reasons for their unwillingness were the lack of a successful precedent and a concern among the workers that they could be fired for taking part in workplace organizing. Workers did occasionally ask their supervisors to enquire with management about the possibility of a wage increase. When this was tried by a handful of workers on April 8, 2012, the owner asserted that he could not afford any pay raise.

As their request continued unmet, some of the Supafine Fashion workers attended a local May Day rally organized by a migrant worker support

organization. At the event, these workers ran into colleagues from the King Knitting factory who told them that two weeks earlier they had won a wage increase to 155 baht per day through a collective demand at their factory. The King Knitting and Supafine Fashion workers then discussed common grievances and exchanged ideas about workplace organizing.

Stimulated by the May Day rally and the discussion with the King Knitting employees, the Supafine Fashion workers returned to the factory dormitory that evening and called their coworkers together to discuss the possibility of making collective demands. The workers debated the matter and, given the successful precedent at King Knitting, agreed to go on strike the next day if, as expected, their prior request for a wage increase remained unmet. They decided at this time on their specific demands and selected twelve delegates to negotiate with the manager.

By 11:30 the next morning, May 2, word reached workers throughout the factory that the employer was not going to make concessions. Thus, as planned, the strike began with workers in the weaving department shutting off their lights and walking out. As workers in the other departments saw the signal, they too shut off their lights and walked out. At this point the workers' chosen delegates approached the manager to issue the following demands, as had been collectively decided upon the previous day:

1. An increase in the daily wage to at least 155 baht per day.
2. A piece rate increase of 30 percent.
3. A fixed work time of 8:00 A.M. to 5:00 P.M. for the daily wage.
4. Provision of water and an improvement in sanitary facilities.
5. An overtime wage rate of 30 baht per hour.
6. A daily 20-baht payment for the morning time card check.[17]

Rejecting these demands, the manager instead offered the workers a raise of fifteen baht per day and told them, "If you want to work at this rate, work. If not, get out." As the workers were not satisfied with this amount, they contacted the Mae Sot branch of the LPO, which promised to send an official the following day to meet with the factory manager. Some workers also separately contacted the Yaung Chi Oo Workers Association and the Joint Action Committee for Burmese Affairs (JACBA). The following day, as the strike continued, an LPO official arrived at the factory, met with the employer, and told the workers to send a maximum of seven delegates (per section 13

of the 1975 LRA) to negotiate at the LPO the next day.[18] That night the workers decided they would return to work the following day to avoid dismissal, but if the employer did not agree to pay 155 baht for an 8:00 A.M. to 5:00 P.M. shift, they would initiate a legal strike registered with the LPO and demand the minimum wage of 226 baht per day.

The distinction here is key. As with registered unions, nonunionized workers may only hold "legal" strikes (according to section 34 of the 1975 LRA) at least twenty-four hours after giving notice of an intent to strike to the employer and to a government conciliation officer following a failed negotiation process. This clause effectively prohibits spontaneous strikes—or wildcat strikes, when under union contract—initiated by workers at the point of production. But under the terms of section 119 of the 1998 Labor Protection Act employers are obliged to pay financial severance to fired workers, except in cases where, inter alia, a worker neglects his or her duties "for a period of three consecutive workdays without reasonable cause." In effect, this means that workers may strike outside the terms of the LRA, with a certain amount of legal protection from dismissal (as employers would be legally required to compensate fired workers), but only for a period of less than three days. Hence, the workers at Supafine Fashion had just conducted a two-day extralegal strike, initially seeking to get their demands met outside the bureaucratic procedures stipulated in the 1975 LRA. A third day on this extralegal strike would have risked dismissal without legal entitlement to severance. The workers therefore returned to work and took their struggle to the LPO.

When properly historicized, the extralegality of this strike gains a certain analytical significance. In 1975, the newly introduced LRA provided legal space for trade union activity, but the act was also drafted with the intent to contain industrial action.[19] The act requires, for example, that strikes be approved by a formal secret ballot vote of over 50 percent of the entire union, and that an intent to strike be submitted to the employer and to a government conciliation officer at least twenty-four hours prior to any work stoppage, but only after a failed negotiation process. Among the effects of these restrictions is that union leaders in Thailand have been fined for extralegal (wildcat) strikes and picket action carried out by their members.[20] This risk of incurring fines or other penalties puts pressure on union leaders to prevent production stoppages initiated by workers outside legally sanctioned channels.[21]

Among migrants employed at Supafine Fashion, there were no formal unions and thus no union leaders who could be sued for wildcat strikes carried out by rank-and-file workers. Instead, throughout the case presented here, Supafine Fashion workers repeatedly carried out extralegal work stoppages to press their claims, and they typically stopped work *prior* to submitting their demands—a pattern of practice I have similarly documented at other Mae Sot factories.[22] Hence, by shifting employment toward migrant workers who are effectively barred from unionization, flexibilization in Thailand has removed certain prior constraints on extralegal strike action.

Institutionalized Negotiations

The following morning, May 4, 2012, I accompanied a Yaung Chi Oo staff member to the LPO, where we met with fourteen Supafine Fashion workers and U Moe Kyo from JACBA. The workers had with them their list of demands signed by all 528 of the factory's production workers and line supervisors. The inclusion of both production workers and line supervisors on this list established an implicit demand for wage equalization among these two tiers of employees. As we waited at the outdoor seating area the workers discussed the recent events and went over plans for the negotiation session. The Yaung Chi Oo and JACBA staff offered the workers encouragement, information, and suggestions. U Moe Kyo, for example, advising against some common Myanmar habits, stated, "When you're in the negotiating room, if there aren't enough chairs, don't crouch down on your haunches. It's better to stand. Don't put yourself at a lower level than the employers. You need to show that you are their equals. And make sure to spit out your betel nut before you go inside."

Shortly before 10:00 A.M. we saw the owner, the manager, and an assistant manager enter the LPO building; the LPO interpreter then came out to invite the seven worker delegates inside. The negotiations meeting lasted close to three hours. At one point, when negotiations got stuck over the amount of increase for the piece rate, the LPO official invited the Yaung Chi Oo and JACBA staff and me inside. The workers had demanded a 30 percent raise, and the employer had responded with an offer of 17.5 percent. The worker delegates were mostly on day wages, and therefore phoned to con-

sult some of their piece-rate coworkers about the offer. The employer and LPO official, however, were pressing the delegates to hurry up. At this point the Thai factory manager, who did not appear very content with the situation, turned to me and said in English, "I want to cut this short. These workers have been off work for two days already and I've lost two hundred thousand baht." The delegates nonetheless took their time in order to ensure that the concerns of their colleagues were fully included in any final agreement. The worker who made this call later explained to me why he did so: "We needed to know if the other workers would accept the offer. I wouldn't have dared to go back to the factory to face the others if we had signed a contract that they weren't satisfied with."

When negotiations finished around 1:00 P.M., both sides signed an agreement written in Thai, with the following stipulations:

1. The base daily wage would be increased to 155 baht, with a four-month probation period for new workers at 120 baht.
2. The piece rate would be increased by 20 percent.
3. The standard shift for the daily wage would be shortened to eight hours: 8:00 A.M.–5:00 P.M., with an hour for the lunch break.
4. Management would address workers' concerns about the lack of water and poor sanitary facilities.
5. No workers would be fired for taking part in this action.

The workers did not, however, get the daily time card payment they had requested. And the issue of the overtime pay rate was deferred to a future negotiating session scheduled for the June 1.

There should not, of course, have been any need for a new employment contract stipulating any of these conditions, as the workers had demanded nothing more than that to which they were already legally entitled (an eight-hour workday, for example). In fact, the daily wage the workers had demanded was about 31 percent *lower* than the legal minimum. Given this discrepancy, it is worth questioning why LPO officials would endorse a contract that fails to meet the minimum legal requirements.

This gap between the actual wage and the legal minimum was reconciled in the contract by identifying this difference as the amount deducted for room and board. This calculation, however, was made after the fact. Rather than starting with the legal minimum wage (which at the time was 226 baht

per day) and deducting a given amount equal to the actual cost of room and board, a rate lower than minimum wage was instead first negotiated (155 baht per day) and then the cost of room and board was determined residually as the difference (71 baht per day per person). By comparison, at the Bangkok garment factories where Mary Beth Mills conducted research in the late 1980s and early 1990s, room and board was provided on top of the minimum wage rather than deducted from it.[23] Furthermore, the employer at Supafine Fashion never specified in advance any figure for the cost he incurred providing room and board, and the employees I spoke with were of the opinion that the actual cost was significantly less than 71 baht per day per person.

Although the new pay rate remained below the current legal minimum wage, the workers involved in this action told me they were satisfied with the outcome. The workers' view of this increase as (at least temporarily) satisfactory, despite falling short of the legal minimum, can be attributed to the fact that it was a near doubling of their former wage. It was also a relatively high rate compared to that of other factories in the area.

At a celebratory meeting following the negotiation session, the workers were exuberant about their victory, having achieved their demands in the face of management intransigence. I asked Ko Latt, a worker who had taken a lead role in organizing, what he thought were the workers' key strengths. "Our solidarity, of course," he replied. He also pointed to the fact that his previous experience of collective action at a different factory in Mae Sot had given him knowledge and confidence with which to engage in this recent strike. He also acknowledged his appreciation for the help of migrant support organizations, especially regarding the information they had provided on Thai labor law. At that moment we were all perhaps a bit too sanguine about the outcome. Everything seemed settled except for the task of translating the contract from Thai into Burmese.

At this point, it is worth noting something of the organizational independence of the Supafine workers, as compared to Thai workers trying to organize under registered unions elsewhere in the country. Following the 1975 legalization of trade unions in Thailand—and, in particular, during the time of burgeoning unions and union membership in the 1980s—unions in the country were frequently controlled and even established by political, military, and bureaucratic elites as means to advance their political ambitions and prevent the rise of an independent labor movement.[24] The close, collab-

orative relations that were in this way fostered between the leaders of union federations, government agencies, and political parties subsequently "blunted and diverted" the responses of Thai unions to the country's market reforms.[25] It may seem a moot point to highlight the political independence of non-unionized migrant workers given their otherwise precarious conditions and (as will be seen) the debatable success of this particular case. Nonetheless, the subservience of organized labor to the aims and interests of political parties has been highlighted as a significant constraint on many trade unions globally, which has hindered the growth of independent, democratic, and militant labor movements.[26] By contrast, and despite their selection of seven delegates, the Supafine workers pursued a form of de facto rank-and-file direct democracy, as exemplified in their deciding on their demands and tactics collectively during nighttime assemblies in the factory dormitory. This practice was also evident when the LPO delegates phoned their coworkers back at the factory to get their opinion regarding the offer that was then on the table. Such directly democratic practice and the political independence of migrant workers' struggles in Mae Sot provides important precedents, which are relevant for questions of trade union renewal and the (re)building of politically independent labor movements globally.

The Frustrations of Nonimplementation

Two weeks after they had signed their new employment agreement, I got a call from one of the workers at the factory. He informed me that the entire weaving department had just walked off work—yet again. I therefore headed to a Buddhist monastery near the factory, where some of the now striking workers had gathered. When I arrived, the workers explained that they had asked the manager that morning to clarify the current piece rate. The manager refused, so all the workers in the department just sat idle. The manager, joined shortly by the owner, told the workers again, "If you want to work, work. If you don't, get out." The workers neither moved nor spoke. The manager then turned to three of the nearest workers, tore the employee identification tags from their shirts and wrote down their employee numbers in a notebook he was holding. He also photographed the idle workers. With no immediate resolution to the situation, the workers gradually got up from their stations and returned to the dormitory. Shortly thereafter, two

police officers arrived at the factory and met with the owner and manager. Upon exiting the factory office, the police officers walked to a raised section of the factory compound, where they stood and watched the workers for about thirty minutes before leaving. The workers interpreted this event, as they later told me, as an attempt at intimidation by the employer. For the workers this spectacle of police intimidation established the state and the law as allies of the employer. Yet the workers responded to this event by reaching out again to the state and the law (albeit embodied in a different institution). They called the LPO and expressed their concern that the employer might not honor the recently signed contract. The LPO official told the workers to return to work and to visit the LPO office the following Tuesday, May 22, to discuss the matter with their employer.

After this call the workers returned to the sewing department for the 1:00 P.M. shift. Upon sitting down at their machines, the assistant manager told them that the current piece rate would be 165 baht per dozen units—in other words, the old rate. Dissatisfied with this amount, the workers sat idle. Eventually some of them drifted back to the dormitory while others, such as those with whom I was talking, left the factory compound.

The next day, May 19, I met with these same workers at a tea shop near the factory. They informed me that the manger was now claiming that since the current order used old material, it counted as an old order at the old piece rate. As we spoke, the workers remained uncertain what piece rate they would, in the end, actually get. They also explained that the day-rate workers were dissatisfied because, after signing the May 4 contract, the manager had stopped calling for overtime but had increased the daily production quota. In addition, the manager had forced some of the workers to take rotating unpaid "rest" days. Nonetheless, the workers all planned to continue working until the LPO meeting on May 22.

When I met with some of the workers at the LPO on May 22 prior to the piece-rate (re)negotiations, they told me that the 140 or so sewing department workers had stopped working yet again that morning. As one of them explained, "All the [sewing] workers are in agreement not to work today because they're not satisfied with the current piece rate." The workers had come to this agreement the previous night during a group discussion in the factory dormitory. They told me that given the ongoing conflict with the manager, "It was easy to get all of the sewing workers to agree to not work today."

Among the seven worker delegates at the LPO that day, all but one were different from those at the May 4 meeting. They told me that this rotation of delegates was intentionally done to reduce the employer's ability to isolate and penalize individual labor leaders. These workers soon went inside while I waited outside with another worker who was acting as liaison with those back at the factory. When the delegates came back out after an hour and a half they informed me that they had a new contract specifying the increased piece rate, as they had wanted. This rate would apply to current and future orders. "We're satisfied with the rate agreed on today," one of them said, "but we don't know for sure whether we'll actually get it. Last time we signed a contract, but the employer was dirty and didn't follow it." These workers also told me that they had tried to raise a grievance about the manager's harsh treatment of them the previous week. The LPO interpreter, however, told them that the issue was not covered under the LPO mandate and so could not be discussed.

After leaving the LPO office, I headed to the factory gates, where I met with about ten of the workers I had come to know. We discussed the ongoing conflict and made arrangements to have the new contract translated into Burmese. As we spoke, the assistant factory manager drove by on a motorcycle. Some of the workers in our group looked over and visibly tensed up, presumably because we were talking openly in front of the factory about the conflict. To alleviate the workers' concern, Ko Latt declared, "It's nothing. He [the assistant manager] can't do anything." Shortly thereafter, I left the factory, but with plans to meet these workers again in the coming days.

When I talked with Ko Latt a few days later, he explained to me, "The younger workers don't know the law, so they're scared. And there are lots of workers at the factory who don't understand the work situation. They just focus on working, eating, and sleeping. But some of the other workers have been listening to us [organizers], and they've come to understand." He also complained that the employer privileged certain Myanmar workers with higher wages—like the factory translator, who then "joined the employer's side." Instead, he suggested, there should be equality in the workers' wages.

On the afternoon of June 1, I was unable to be at the LPO for the final Supafine Fashion negotiations because I was with striking workers from the M-Apparel factory,[27] but I received a call from one of the Supafine Fashion delegates when the negotiations were completed. He told me that the workers

had gotten an overtime wage increase to twenty baht per hour and a clause written into the new contract stipulating that the employer must abide by Thai labor law—a clause that was, of course, legally redundant. He therefore invited me to join the workers that evening to celebrate (again). When we later sat together, the workers chatted contentedly about their victory and what was for many of them a newly realized capacity for self-organization and collective action, which some of them told me they hoped to apply again in the event of future workplace conflicts. And, indeed, such future conflicts were in the cards.

The Renewal of Conflict

Seven months later, on January 1, 2013, the official minimum wage for Tak Province was increased to three hundred baht per day, as the fulfillment of a pledge made by Thailand's soon-to-be prime minister Yingluck Shinawatra in the run-up to the country's July 2011 elections. The new minimum wage policy also equalized, for the first time ever, all of Thailand's provincial minimum wage rates. The actual wages being paid out at Supafine Fashion, however—as at most other Mae Sot factories—did not change.

The Supafine Fashion workers knew of this increase in the official minimum wage, and thus were thus keenly aware that their own wages fell well short of what they were legally due. After waiting almost two months with no indication that any wage increase was coming, the Supafine Fashion workers issued a new demand for a pay raise, which I learned of on February 22 when Ko Latt called to inform me about it. As Ko Latt explained, he and his coworkers had learned that employees at the nearby King Knitting factory had recently won a wage increase to 185 baht per day, along with a daily bonus paid into the workers' mutual aid fund, which raised the wage, they calculated, to a value of about 200 baht per day.

Given the new precedent at King Knitting, the Supafine Fashion workers demanded what they felt was a realistic increase to 225 baht per day, with 40 baht per hour for overtime—both of these amounts being still below the legal minimum. As the May 2012 contract had specified the cost of room and board at 71 baht per day per person, adding this to the workers' demand of 225 baht per day would still have totaled less than the new minimum wage rate. When the Supafine Fashion workers submitted their demand to the

factory manager, however, the manager claimed that the owner could not afford to pay 225 baht and instead offered a rate of 185 baht. The workers said they would not accept that amount, but they would lower their earlier demand to 200 baht per day, with a 30 baht per hour overtime wage. When the manager reiterated the offer of 185 baht, the workers decided to take the case to the LPO; negotiations were scheduled for February 26.

Prior to the LPO negotiations on February 26, I met with a half dozen Supafine Fashion workers and U Moe Kyo at the home of Ma Nway, located at the end of the road leading to the Supafine Fashion factory. Ma Nway was a migrant employed at Supafine Fashion; her husband Ko Kyaw had also previously worked at Supafine Fashion, but had since relocated to work (at higher wages) in Bangkok. At the time of the events described here, Ko Kyaw had temporarily returned to Mae Sot, hoping to convince Ma Nway to join him in Bangkok. Since their home was close to the factory, but off factory grounds, it became a regular organizing venue for the Supafine Fashion workers and a safe place for them to meet with outside labor activists like U Moe Kyo.

At Ma Nway's home we discussed plans for the negotiation session scheduled for later that day. Ko Lwin, another lead organizer at Supafine Fashion, informed me that the manager had asked the delegates not to go to the LPO, but to instead negotiate at the factory. The delegates had refused this request because, as Ko Lwin informed me, "We tried to negotiate at the factory but we couldn't get anything."

Following this prenegotiation meeting, Ko Latt, Ko Lwin, the other delegates, and I all headed over to the LPO. The Supafine Fashion owner and manager were already there, talking with the LPO official, a Thai woman in her late forties whom I will call Khun Mai. Ko Latt and Ko Lwin proceeded to inform the LPO translator of their demands. The translator then told us that the employer had offered the workers a choice of 185 baht per day plus room and board (with 25 baht per hour overtime), or the minimum wage of 300 baht per day, but with the workers living outside the factory complex. Khun Mai told the delegates (in Thai, but translated into Burmese), "If the employer pays the workers three hundred baht per day, according to the law, the employer is not obliged to provide room and board." This posed a dilemma for the workers. The delegates therefore replied that although the workers would be happy to accept 300 baht per day, they did not want to live outside the factory. This was because, among other concerns, there was

insufficient housing nearby. In addition, most of the workers lacked documentation for legal residence in Thailand. Living outside the factory complex would put them at constant risk of police harassment, extortion, and arrest. At the same time, they did not want to accept the lower offer of 185 baht per day.

As this discussion proceeded, I sat with U Moe Kyo on a bench inside the LPO building near the front entrance, watching and listening to the events unfolding. Hearing the employers' two offers, U Moe Kyo informed me that getting the workers to live outside the factory at full minimum wage had for the past several years been a recurring strategy that employers used in order to divide workers who were making collective demands. The line of cleavage would fall between those (typically more militant) workers who took the option of living outside the factory with the minimum wage, and those who (being more cautious) remained inside the dormitory with the lower pay rate. In previous cases, employers had been able to gradually get rid of all such "outside" workers (by firing them individually, or pressuring them to quit voluntarily), or had gotten them to forsake the full minimum wage and return to the dormitory with reduced pay.[28] For the Supafine Fashion workers, then, the employer's most recent offer was not encouraging.

Regarding the employer's offer, Ko Latt informed the LPO official that he was worried about the security of the Supafine Fashion workers—especially the women—if they were forced to live outside the factory. Aside from the fact that most were undocumented, Ko Latt explained, there were also "street thugs" in the area, and there had been cases of rapes and stabbings near the factory. For these reasons, the delegates asked that the employer commit to arranging passports for all undocumented employees, which the LPO official agreed to include in the written contract, with the stipulation that the workers would pay the fees for these documents. In any case, the delegates were unable to decide on the spot about the offer, as these two options had yet to be posed to the workforce as a whole. The LPO official therefore scheduled a further negotiation session for the next day.

That night the delegates called an assembly of workers in the factory dormitory to discuss and decide on the recent offer. In this assembly, they collectively decided to accept the offer of three hundred baht per day, and for the delegates to sign an agreement to this effect at the LPO. This decision was made by the workers on the basis of a belief (the origins of which I am

not clear on) that they would be able to collectively rent the factory dormitory and thus not need to worry about arranging external housing.

At the LPO negotiations the following day, February 27, the seven worker delegates sat before the LPO official, Khun Mai, behind whom stood two staff translators, with the Supafine Fashion owner and manager sitting to one side. U Moe Kyo and myself sat back from this group on the bench by the building's front entrance. As the negotiations got underway, the delegates stated their willingness to accept the offer of three hundred baht per day, and requested the option of renting the factory dormitory. To this the employer responded, "I'll pay three hundred baht per day starting March first, but the workers can't rent the dormitory inside the factory compound." He did agree, however, to arrange the passports and work permits immediately. Hearing that the dormitory rental was no longer a possibility (if ever it was), Ko Zan, one of the delegates, walked back to U Moe Kyo and I to tell us, "The situation isn't good." The owner, however, was pressing the delegates to agree; rattling his car keys, with a rather sour expression on his face, he demanded that the workers decide immediately about the offer, which would require the workers to all move out of the factory dormitory by April 1. Even if the employer applied immediately for the workers' passports, these documents would most likely not be ready for pickup until after they evacuated the dormitory.

At this point the delegates just sat dejected, unwilling to sign the contract; the owner and manager stormed out of the office with no agreement reached. The delegates then explained to the LPO official that they did not think it was possible for all the passports to be acquired, and for external accommodations to be arranged, for the factory's more than five hundred workers within one month. Hearing the delegates' concerns, the LPO official called U Moe Kyo and me up to her table. She made a point of telling us that the employer was only obliged to pay the minimum wage of 300 baht in the form of "base pay+costs" (she wrote these terms in English on the whiteboard next to her desk). Therefore, she assured us, 185 baht per day plus room and board was not a violation of the law. I asked her if the workers, despite being offered 300 baht, could still strike to also get their demand of dormitory residence. Her reply was no, the workers did not have the legal right to strike if they had already been offered the minimum wage of 300 baht per day. In effect, she was telling us that Thai labor law did not allow

these workers to strike for anything over and above the bare legal minimum in wages and working conditions. Left unsaid, however, was why, in the first place, these workers should have to negotiate—and potentially strike—for wages and working conditions that were already stipulated by law. In any case, with the negotiations unconcluded, we left the LPO with the plan to return, yet again, the next day.

At the dormitory assembly that night, the workers overwhelmingly decided to reject the offer of 300 baht per day because they were worried about having to live outside the factory. The delegates were instead instructed to seek the earlier offer of 185 baht plus dormitory residence, and with the employer arranging passports and work permits, but without the workers signing a contract. The reason for not wanting to sign a contract was that the workers hoped to retain their right to strike so that they could subsequently strike for 300 baht per day once they had their passports in hand.

When we arrived at the LPO the next day, Ko Lwin, still serving as a delegate, asked my advice about the arrangement on offer. I told him I thought the most important thing was for the workers to get their passports and work permits, as this would put them in a stronger position to bargain in the future. With the plan of seeking 185 baht per day without signing a contract, the delegates entered the LPO. When they discussed their concerns with the LPO official Khun Mai, however, she informed them that the employer had already signed the contract that morning and had returned to the factory; the delegates were therefore under pressure to sign it also. In regard to the workers' concerns about living outside the factory, Khun Mai said that she was aware that there were many women workers at Supafine Fashion and that it would be dangerous for them to be forced out of the factory lacking both legal documentation and living quarters. She therefore offered to extend the date by which the workers would have to leave the factory from the end of March to the end of April, thus providing more time to arrange accommodations and to acquire their passports.

This moment was to become a central point of contention in the Supafine Fashion case. The LPO official proceeded at this time to adjust the contract, which the employer had already signed, by writing over the text in pen to add one month to the time allotted for the workers to remain in the dormitory. With this additional month the workers now had two months in which to secure their passports, work permits, and external housing. On this con-

dition, and under perceived pressure to accept, the delegates signed the agreement despite their earlier plans to avoid committing to a contract.

With the contract signed, we all left the LPO and returned to Ma Nway's home, where we were met by other workers not serving as delegates. Discussing the new arrangement, the workers (both delegates and nondelegates) said they were satisfied with the agreement, and Ko Latt told me that he was relieved to have concluded the negotiations. Some of the workers suggested that we were now celebrating a victory party.

The workers' main concern at this point was arranging their passports and work permits. Regarding the passports, U Moe Kyo informed us that the previous day he had called U Kyaw Kyaw Lwin, labor attaché for the Myanmar embassy in Bangkok, to discuss the Supafine Fashion case. As he was informing us of this, U Moe Kyo called U Kyaw Kyaw Lwin and handed the phone to Ko Latt, who gave a brief account of the workers' present situation. Upon concluding this call, Ko Latt explained to us that U Kyaw Kyaw Lwin had told him that the employer was legally required to advance the cost of the passports, which could then be reclaimed out of future wage payments. Hearing this, the workers became especially pleased, as they would no longer have to scramble to find the money for their passports on their own. Many of the workers were now smiling at the seemingly positive turn in their situation. I asked some of them if getting three hundred baht per day with passports but having to live outside the dormitory was better than their original demand of two hundred baht with no stipulation about the passports and having to remain living inside the dormitory. They nodded, assuring me that indeed it was much better. Despite this seemingly improved situation, Ko Latt went on to tell me, "I'm only going to work here [in Mae Sot] for two more years, then I'm going back home [to Myanmar] for good. I've been here almost ten years already."

Disintegration

Unfortunately, this positive turn was only temporary. When the delegates and I traveled to the One-Stop Service Center, where migrant passport applications were processed, the staff there told them that Supafine Fashion's employer had not advanced the money for their passport applications and suggested that the delegates sort it out with their employer. The delegates

were suddenly thrown into doubt. Was the employer not, in fact, going to arrange their passport fees? Was the claim of a "legal requirement" made by the Myanmar embassy's labor attaché just empty words?

From this point on, the situation for the workers proceeded to get worse. On March 8, the delegates were called back to the LPO because, as they subsequently learned, the owner had since rejected the validity of the February 28 contract on the grounds that the LPO official, Khun Mai, had adjusted the details (adding an extra month for dormitory stay) after the employer had already signed it. The nonvalidity of the LPO contract was confirmed by a different LPO official, Khun Somchai. When the delegates exited the LPO and spoke with me about this issue, many of them were visibly distraught. "I don't have patience," said one, clearly agitated, "and I'm shaking." To this another added, "The employer isn't saying anything. He's just sitting there while Somchai is saying everything. This old grandfather [Khun Somchai] isn't like the old grandmother [Khun Mai]." A final delegate commented, "The LPO isn't on the side of the workers."

As we were speaking, the other delegates came out of the LPO building. The employer then exited, got into his car, and drove off. Holding the contract in his hand, Ko Latt came outside and told us, "He says the contract isn't valid. Now we only have one month. We're not going to get our passports in one month. The [unpaid] applications are still in the [One-Stop Service Center] office." The delegates were also unclear as to which employment agreement currently applied. Although the employer had claimed the February 28 contract was invalid, the delegates were of the belief that they were still going to be evicted from the dormitory in a month's time, with a wage of three hundred baht per day, as stipulated in the February 28 contract prior to its alteration.

The situation then deteriorated further. On the morning of March 18, I got a call from Ko Latt; "I've been fired," he told me. Shortly thereafter, I met with Ko Latt and a dozen other Supafine Fashion workers at Ma Nway's home. They told me that after Ko Latt had been fired that morning, the workers had gotten angry and stopped working. They had demanded that the employer reinstate Ko Latt, but the owner had refused. The manager had told Ko Latt that Ko Latt's immediate supervisor had complained about the quality of his work. But so long as Ko Latt was not reinstated, the workers were unwilling to return to work. As we spoke, some of those in the room were putting their demand for Ko Latt's reinstatement into writing to be issued more formally to their employer. Taking this document in hand, a

few of them went off to submit it to the factory office. Some of the workers were quite evidently agitated over the issue of Ko Latt's dismissal, with one of them asserting, "We'll strike, shut the factory down, and go back [to Myanmar]!" They told me that the workers planned to not return to work that day or the next, so long as Ko Latt was not reinstated.

Later that day U Moe Kyo and I accompanied Ko Latt to the LPO, where we met with a different, younger LPO official and the Supafine Fashion owner regarding Ko Latt's dismissal. The employer told the LPO official that he would pay Ko Latt 35,700 baht in severance, being the amount legally due (under section 118 of the 1998 LPA) according to Ko Latt's former salary. Ko Latt, however, stated that he knew severance must be paid according to the current legal minimum wage of 300 baht per day, which would bring the amount due up to 63,000 baht. Pursuing a (rather unequal) compromise, the LPO official asked Ko Latt if he would accept 40,000 baht instead. The LPO official explained that Ko Latt and the employer could either negotiate a severance amount less than the legal minimum or, if they could not reach an agreement, Ko Latt could take the case to court to seek the full amount. Considering the offer, Ko Latt asked for an increase to 42,000 baht—an amount to which the employer agreed. As Ko Latt later explained to me, he had agreed to a severance amount less than he was legally due because he knew from previous cases that the court process would take excessively long, with no guarantee of obtaining full severance pay in the end. He added that he wanted to secure a migrant passport as soon as possible, for which this amount would be more than sufficient.

Upon agreeing to the severance amount, the employer handed the money to the LPO official, who then handed it to Ko Latt. Both parties signed an LPO agreement regarding the severance pay, thereby forswearing any future legal action by Ko Latt to claim the full amount. With Ko Latt now 42,000 baht richer, we all returned to Ma Nway's home to meet with the other workers.

I arrived before Ko Latt and U Moe Kyo. Upon seeing me on the road, Ko Zan approached and asked, "Did he sign?," to which I replied in the affirmative. "That's his choice," Ko Zan responded, "but the workers are going to be upset. We went around collecting signatures [for the demand to reinstate Ko Latt], and now this effort is messed up."

When U Moe Kyo and Ko Latt arrived we entered Ma Nway's home, where a dozen or so Supafine Fashion workers were waiting. They all looked

dejected. Seeing the workers' expressions, U Moe Kyo asserted, "Hey, this isn't a loss. It's a victory! He got severance pay. There's nothing else that could have been done." Despite this, the workers remained quiet and visibly upset. "What I don't like is that these Thai employers have money and can just fire whomever they want and pay them [off] with severance," one of the workers said. "But this contest isn't over yet," replied U Moe Kyo. "We're going to get the passports!" Unconvinced, a worker added, "What I'm worried about is how we're going to go forward. The remaining workers don't know about the law [as Ko Latt did]." Taking an angrier tone, a different worker remarked, "We went on strike for him. A chain is broken if one link breaks, and he is the broken link." In this despondent mood, the conversation petered out; the workers returned to the factory, and I returned home.

The firing of Ko Latt—the most confident, knowledgeable, and experienced organizer at Supafine Fashion—paved the way for further attacks on the workers' earlier gains. The next morning, March 19, I got a call from Ko Lwin. "A problem has come up in the weaving department," he informed me. "Can you come and talk?" I went immediately to Ma Nway's home, and a group of workers arrived shortly thereafter. They informed me that everyone in the factory had gone on strike, yet again, that morning.

Some workers had arrived at the production floor shortly before the 8:00 A.M. shift and clocked in. The employer had then called a meeting and said that the weaving department workers on day rate would now be put on an unspecified piece rate, and the weaving workers replied that they would not accept this change. The employer, in response, would not let the remaining workers clock in.

As we discussed the morning's events, the workers broke into a heated discussion. "This employer is dirty in so many ways!" one of them shouted. Another said, "I don't want to go to the LPO. The LPO is on the employer's side, and the workers can't rely on the LPO." Yet despite this dismissal of the LPO, the workers soon called the office and requested that an LPO official come to meet with them at the factory. The workers explained to me that they wanted to negotiate over this issue in the factory because they no longer had any confidence in the LPO as a location for negotiating.

As the discussion continued, one of the less flustered workers, Ko Lwin, leaned over to me and quietly explained that the issue of Ko Latt accepting the severance pay had caused dissension among the workers, who saw it as an

act of betrayal. The workers had organized and signed a demand for Ko Latt's reinstatement, Ko Lwin explained, but then Ko Latt had taken the severance pay without informing them. "It has caused doubt and division among the workers," he added. This sense of betrayal among the remaining workers is understandable in light of the intimate relations that develop among migrants employed at Mae Sot's factories, as was discussed in chapter 5.

I noticed that in this emotionally charged space the men were speaking loudly over each other, while a handful of young women sat quietly in the corner. The gender politics of the room were such that these young women were not invited to contribute their thoughts to the discussion. At this moment, then, the social dynamics on display made manifest a gendered hierarchy amid an otherwise formally structureless organization of workers. And this is significant.

Discussing the involvement of women garment workers in Thailand's union federations at the turn of the 1990s, Mary Beth Mills writes of "the top-down and patriarchal dynamics of national labor politics." Illustrating such dynamics, Mills quotes an adviser from a Thai nongovernmental organization: "The national labor congresses [*saphaa raengngan*] don't work well with the lower levels of the labor movement. They are top-down, and most leaders are caught up in issues of face and status, building their careers and establishing their own names and influence in wider political circles. Also they concentrate primarily on economic issues, such as raising the minimum wage. [National leaders] call unions together to campaign for these single, economic issues, but then when they achieve that particular goal [they stop and] all the organization, the cooperation dissolves."[29]

Being outside formal union structures, the Supafine Fashion workers operated autonomously of such institutionalized hierarchies—not only organizing outside broader hierarchical structures at the level of a national union or union federation but also free from the control of any formal executive internal to their organizing. For example, delegates from the Supafine Fashion workforce negotiating at the LPO rotated themselves to reduce the employer's ability to target and retaliate against prominent organizers. This tactic expanded the number of those involved in informal leadership roles, and thus went some way toward democratizing the practice of leadership. In addition, delegates negotiating at the LPO made a point of checking back with their coworkers about offers made during negotiations rather than making executive decisions on the spot.

Despite this lack of formal hierarchy, however, the struggle at Supafine Fashion exhibited certain patriarchal developments within the organizing efforts of the workers involved. Although men made up only 20 percent of the Supafine workforce, they were consistently a majority of the LPO delegates. In addition, the workers' organizing meetings that I observed were frequently dominated by men, who tended to speak louder and more assertively than their women coworkers. This situation is not, however, ubiquitous in Mae Sot. I have, for example, also followed local workers' actions that have had greater gender balance among their lead organizers and LPO delegates, as well as cases in which very strong women organizers were dominant. Nonetheless, the emergence of gender hierarchies in cases like that of Supafine Fashion highlights what Jo Freeman calls the "tyranny of structurelessness": the ways in which an (often intentional) absence of formal structures within an organization does not guarantee fully egalitarian decision making.[30] Instead, it can mask and enable informal structures of privilege, such as those based on gendered or other hierarchies. To the extent that such hierarchies have emerged within the organizing initiatives of Mae Sot's migrants, they have impacted the dynamics and trajectories of workplace struggle on the border.

Be that as it may, when the conversation at Ma Nway's home died down, the workers returned to the factory dormitory with the plan to get the rest of the workforce on board for the coming meeting with the LPO official. At this point there was much uncertainty among everyone involved. The workers were not really sure of what pay rate they were on, or which (if any) contract was still valid. In addition, the workers had struck work for two consecutive days. A third day on strike would put them at risk of dismissal without legal claim to severance pay. Unfortunately, this detail was to become a crucial factor in how the struggle played out.

The next day, March 20, I got a call from a rather concerned Ko Lwin. He told me that the workers had all gone to work that morning, clocked in, and worked until around 10:00 A.M., but because the employer would not negotiate regarding the shift from day rate to piece rate, the workers became dissatisfied and stopped working. The workers were thus now on yet another sit-down strike. As the workers waited idle in front of their machines on the production floor, the employer was threatening to fire anyone who did not start working. Ko Lwin therefore asked me for clarification about the clause in the 1998 LPA concerning the employer's "right" to fire without severance

pay those who stopped work for three days. I informed him that, yes, according to section 119 of the 1998 LPA, the employer could legally fire, without severance pay, any workers who missed work for three consecutive days "without reason." With this clarification, Ko Lwin said that he would tell the workers to return to work and to wait to speak with the LPO official, who was due to arrive at the factory that afternoon.

In order to find out what later took place, I went over to Ma Nway's home at 5:00 P.M. to meet with some of the workers following their afternoon shift. Those with whom I spoke informed me that Khun Somchai, the LPO official, had indeed come to the factory, but instead of meeting with the workers who had asked him to come to discuss the shift to a piece rate, he had instead gone directly to talk with the employer. While this was happening, the LPO translator met with the workers and told them that if they did not work that day, they could be fired. Both the LPO official and the translator then left the factory, with the official never meeting with the workers themselves. Feeling aggrieved that Khun Somchai had spoken only with the employer and not with the workers, one of the workers sitting with me at Ma Nway's home declared, "I don't respect the LPO. I don't want to negotiate at the LPO because we won't get an agreement that we can accept. What can we do without going to the LPO?" With no clear answer to this worker's question, we ended our meeting, no more certain of where the workers stood in their current predicament.

Still unresolved, the conflict at the factory spilled over into the next day. On March 21, I met with thirty or so Supafine Fashion weaving workers at the nearby office of the Burma Labor Solidarity Organization. They explained to me that although they had gone to the production floor that morning, the employer would not let them commence work until they had signed an agreement to accept being moved to a piece rate. As the weaving workers would not accept this, and would not sign the agreement, they were just waiting at their machines on the production floor, unable to work. This was, in effect, more of a lockout than a strike. The workers said that they did not know what to do because they could not accept being put on a piece rate, but since the employer would not allow them to work until they signed the agreement, they were worried about being fired for missing three consecutive workdays. To the workers involved, the employer's demand seemed to be in violation of their previous LPO agreement. But since so many of them had lost confidence in the LPO, they felt that the LPO would not

offer them any support in the matter. They therefore decided it would be better to sign the document so as not to risk dismissal. One of the workers suggested that after returning to work for a few days, they could initiate a series of intermittent strikes, with one day working followed by two days striking, and then repeat this pattern until their demands were met. Doing this, he reasoned, the workers would not forsake their claims to severance pay, and they would not need to negotiate through the LPO, which in the eyes of many of these workers had by now been thoroughly discredited. In any case, with an apparent consensus to sign the employer's piece-rate agreement, our meeting ended and everyone dispersed.

Unfortunately, the workers' plan to retain their jobs proved unsuccessful. The next morning, March 22, I met with some of these same individuals, who told me that the employer had just announced that all eighty-seven workers employed in the weaving department were fired. The reason, they had been told, was that they had missed three consecutive days of work. They would therefore not, the employer informed them, be given any severance pay. Despite the employer's claim, the fired weaving workers made an appointment with the (previously discredited) LPO to file for severance pay. Their reason was threefold: first, the employer's demand that the weaving workers agree to piece-rate pay was a violation of their existing LPO contract stipulating a daily wage rate; second, they had actually worked almost half the day on two of the three alleged strike days; and third, part of the time spent not working had, in fact, been for a lockout rather than a strike. Some of the workers felt that the employer had simply manufactured this situation as a means of getting rid of the more organized and militant weaving department workers. According to one of these individuals, the employer was eager to nullify the LPO agreement of February 28, 2013, not because of the extra month granted to workers to stay in the dormitory but because "he [the employer] is scared of this contract, since he'd have had to arrange passports and work permits for the workers, and he doesn't want to do that." The employer's readiness to dismiss, en masse, such a large group of workers suggests that either there were no orders in need of immediate completion or the employer expected to be able to replace the fired workers quickly enough to not disrupt existing orders.

Contrary to the claims made by the weaving workers, Khun Somchai accepted the employer's assertion that these workers had, in fact, missed three consecutive days of work. Seeing a conspiratorial agenda at play, one

of the affected workers stated, "The LPO official and the employer must have negotiated together beforehand." Regardless of whether such negotiations had taken place, Khun Somchai informed the workers that they would have to move out of the factory complex by March 25, the date they would get their final wages. Some of the men among the workers told me—as they had told the LPO official—that the women in the factory were scared of being evicted from the dormitory because they had no money and no passports. In spite of this fact, Khun Somchai told the workers that if they did not leave the factory after getting their wages, the employer would be entitled to call in the police to evict them. With the March 25 deadline not far away, some of the weaving department workers asked me to arrange for them to stay at the Yaung Chi Oo shelter while they looked for other work.

Discharge and Back Pay

In the end, the eighty-seven fired weaving workers left the factory on March 25, along with seventy-three workers who simultaneously quit from the sewing department and a handful of workers who quit from various other departments. Of this group, twenty-seven moved into the Yaung Chi Oo shelter. About forty-five of the weaving department workers returned home to Myanmar without filing any claims through the LPO. "They were stressed out," one of the workers explained to me, "and just wanted to go home." Other workers relocated to work at factories in the Bangkok area, or temporarily moved in with friends in Mae Sot.

The money the workers got for their final wage payment was meager even by local standards. Aside from the days on strike, there had also been numerous days in February without production orders. For those days without orders, the employer only paid 40 baht per day, rather than the 225 baht required by their contract (this being 75% of the legal daily minimum wage of 300 baht). In addition, and going against both the May 2012 and February 2013 LPO agreements, the employer calculated their February pay on a piece rate. This came out to an average of under 90 baht per day—more than 40 percent less than the 155 baht they had previously been getting. At this piece rate, the final wages paid to the eighty-seven fired weaving workers ranged from 600 to 800 baht for the entire month. Most of these

migrants had no other savings with which to support themselves while out of work. For the seventy-three sewing department workers who quit, the employer made arbitrary deductions of 2,875 baht per person. According to one of these workers, this deduction was a punitive fine for their having gone on strike in February.

Once these workers left the factory, they met with a Yaung Chi Oo staff member to discuss the possibility of making a claim for severance. The staff member suggested that this strategy would be difficult, since the LPO had already apparently accepted the employer's claim that the workers had willfully missed three days of work. Instead, he suggested, the workers could file for back pay, which would cover the difference between actual pay and the legal minimum wage rate for the entire duration of their employment at Supafine Fashion. The amount claimed would potentially be larger than the lost severance pay.

Those workers from Supafine Fashion who remained in Mae Sot began the process of completing claim forms for back pay and submitting them through the LPO, with the support of Yaung Chi Oo. Most of these workers also began planning their next moves and looking for new employment opportunities. Within a week, however, some of them had already been turned down at a few of the larger Mae Sot factories. Apparently, they told me, their photos had been distributed by the Supafine Fashion owner to other Mae Sot employers. They had, in effect, been blacklisted.

Although these workers were now almost penniless and without jobs, many of them appeared noticeably less stressed than they had only a week earlier during the height of the conflict at Supafine. Ko Zan explained to me this apparent change in comportment, saying, "We're still stressed. But at least now we don't have to endure the employer's oppression in the factory." Ko Lwin's reasoning was similar: "I feel peace of mind having left the factory. Not being in the factory, I'm able to enjoy being in Mae Sot. In the factory I was stressed."

Later in April, some of the migrants still working at the Supafine Fashion factory informed me that the employer was now hiring new workers, mostly for the weaving and sewing departments. For the sewing department, however, the employer was now only accepting women applicants. New workers (mostly undocumented, recent arrivals to Thailand) were being made to pay an "entrance fee" of 1,000 baht in order to get jobs at the factory. In addition, the new day-rate workers were going to be paid only 120 baht per day, with a

possible raise to 155 baht after three months' probation, and the weaving department workers were now on a piece rate. The employer was also offering to reemploy the workers who had been fired or who had quit, excluding those who had taken prominent roles in the recent organizing efforts, but those rehired at a day rate would start at 120 baht per day—that is, 35 baht per day less than they had been earning at the start of 2013. Observing the reduced pay rate, and reflecting on Mae Sot's low pay in general, Ko Zan told me, "In a few years, there won't be any workers left here because the wages are so low." Regarding the employer's earlier commitment to arrange passports and work permits for the workers, Ma Htay, who was still working as a line supervisor in the factory, told me, "The employer hasn't said anything about the passports, and the workers haven't asked anything." Indeed, in the end, the employer never did arrange the passports.

In July 2013 the Mae Sot LPO ruled that Supafine Fashion owed a total of 1,565,608 baht (over US$50,000) to the fifty-seven workers who had filed back pay claims. Supafine Fashion's owner, however, asserted that he could not afford to pay this amount. The workers therefore sought assistance from the MAP Foundation to open a legal case against the employer to retrieve their back pay. Given the precedent set by previous cases in Mae Sot, such legal proceedings could drag on for years, with no guarantee of success, and during which time many of the workers concerned were likely to disperse, moving back to Myanmar or on to other provinces in Thailand.

In July of 2014—more than sixteen months after being fired—sixteen of the Supafine Fashion workers who had filed back pay claims accepted a reduced payout of 5,000 baht each, which the employer handed over at the LPO. Subsequently, on October 16, 2014, twelve more of the fired workers accepted a reduced sum as compensation at the LPO, totaling 104,344 baht, or almost 8,700 baht each. Then, at the LPO on November 21, 2014, a further twelve of the workers were paid out by the employer a total of 100,000 baht, or just over 8,300 baht each. And in the end, all the remaining claimants from Supafine Fashion received similar amounts in compensation. For all of these individuals, the amount received was significantly less than the sum of their original claims, which had averaged almost 27,500 baht per person.

Looking back at the Supafine Fashion case, the workers' struggle achieved a relative, partial, and (in the end) temporary success. For almost a year, from May 2012 to February 2013, the workers were among the highest-paid

factory workers in Mae Sot, even though their wage of 155 baht per day remained well below the legal minimum. Significantly, the dynamics of struggle at the Supafine Fashion factory were shaped by the border's particular, if not wholly unique, labor regime, whose features (flexible employment relations, undocumented migrant workers, a border-based concentration of capital, legal barriers to unionization, restrictions on movement, the involvement of migrant support organizations, and various forms of governmental intervention) emerged out of a historical transformation in capital-labor relations in Thailand.

One implication of this case, involving as it does workers in highly precarious conditions, is that precarious work does not render obsolete strikes and rank-and-file organizing at the point of production—indeed, quite the opposite. This argument may not imbue workers with overwhelming confidence when an insubordinate workforce, such as the employees at Supafine Fashion, can be so readily replaced. The point does, however, demand an openness to the continued possibility of strikes as means of advancing precarious workers' interests, despite the risks involved.

Flexibilization has, to be sure, entailed a heightened insecurity of employment and livelihood for many workers. Yet despite the highly constrained conditions under which the workers in this case sought to organize, the dynamics of struggle at the Supafine Fashion factory also illustrate certain organizational opportunities that have emerged out of Thailand's flexibilization shift. For that reason, attending to the details of such struggles and appreciating the forms of workers' self-organization through which they have been pursued sheds light on important points of departure for building workers' power under precarious and flexible labor regimes—in Thailand and elsewhere.

Conclusion

Outside of theoreticians' models, there is no such thing as capitalism "in general"; real capitalisms only ever exist as particular, historical forms of civilization. These do not, as Marx put it, fall from the sky. They are actively constructed through the transformation of pre-existing social forms.

—Philip Corrigan and Derek Sayer, *The Great Arch: English State Formation as Cultural Revolution*

The present volume has been framed as a response to the question of what constitutes a politics of precarity in Asia. I have pursued this question through an examination of the forms of struggle taken up by migrant workers at one specific site—the Mae Sot industrial zone on the Thai-Myanmar border. The struggles of migrants here constitute a "politics of precarity" in that these struggles have been shaped by the employment restructuring and regulatory changes that were introduced as part of the late twentieth-century flexibilization of labor in Thailand. Yet, crucially, the trajectories of flexibilization in Thailand, and elsewhere in the industrializing Global South, exhibit notable differences from patterns of flexibilization in the deindustrializing—or postindustrial—Global North.

As has been outlined in chapter 2, the process of flexibilization in Thailand has entailed, among other changes, a widespread shift from day-rate to piece-rate payments, increased use of subcontracting, the partial outsourcing of manufacturing to home-based workers, a relocation of industrial manufacturing to less formally regulated border areas, and increased

employment of (largely undocumented) migrant workers and workers hired through temporary employment agencies. What is most innovative about this regulatory transformation, however, has been the creative use of borders as technologies of rule, leading to the emergence of Mae Sot as a dynamic site of border capitalism. By exploiting the geopolitical border dividing Thailand and Myanmar, state actors have stripped migrants of various rights legally due Thai workers and citizens. By establishing an internal border around Mae Sot, local government officials have, with police enforcement, sought to fix a pool of low-wage migrant workers to the country's geopolitical frontier. And through various legal and informal forms of social bordering, Thai authorities have construed Myanmar migrants as a racialized other undeserving of the rights and concern due to fellow Thai nationals.

This use of borders as technologies of rule has, in turn, shaped the struggles of Mae Sot's migrants in particular ways. Prohibited as nonnationals from establishing formal unions, migrants have pursued autonomous forms of workplace organizing and (occasionally) extralegal workplace strikes. Confronting restrictions on leaving the border area, migrants have pursued manifold ways out—undermining, in the process, the internal regulatory border around Mae Sot. And through such struggles, these migrants have forced regulatory actors to adapt their practices accordingly. There are, moreover, indications that the struggles of spatially regulated workers in Thailand and at other sites in Asia have pressured regulatory actors to restructure their more long-term regulatory plans. We thus see, for instance, the redesignation of Mae Sot from a Special Border Economic Zone to a Special Economic Zone. And, more broadly, there has been a push by state planners and by the Asian Development Bank (ADB) to transform Special Economic Zones into larger industrial corridors and/or integrated subregions, as the ADB has proposed, for example, for the Greater Mekong Subregion.[1]

This deployment of borders as technologies of rule has thus shaped a politics of precarity among migrant workers in Mae Sot. But this is just one case. Seen from a wider angle, the use of borders as regulatory technologies has become central, rather than peripheral, to the ordering of capitalism globally.[2] In Mae Sot, meanwhile, the consequent struggles over migrant mobility, migrant wage rates, and the regulation of migrant labor along the border, as I have demonstrated throughout this book, have persisted to the present—as unresolved, unstable, and disruptive as ever.

Disrupting Border Capitalism

The core argument of this book has been that geographies of labor regulation can be read as the contested and fragile outcomes of prior and ongoing working-class struggles—struggles that are themselves shaped by the regulatory arrangement under which they emerge. In the case of Mae Sot, the increasingly organized and militant movement of Thai industrial workers in central Thailand up to the 1997 Asian financial crisis catalyzed in particular ways the postcrisis relocation of capital and restructuring of employment relations. The resulting configuration of labor regulation at the Mae Sot industrial zone in turn shaped and made possible certain forms of class struggle among the migrant workers residing there. Through these subsequent struggles, migrant workers in Mae Sot have contested, disrupted, and reshaped the border's regulatory geography. In other words, Mae Sot's border capitalism has emerged "through the transformation of pre-existing social forms," as Philip Corrigan and Derek Sayer write in their classic study of English state formation.[3]

With this argument I build on important prior work done on the regulation of migrant labor in Mae Sot by Pitch Pongsawat and Dennis Arnold.[4] Both scholars, drawing on Aihwa Ong's formulation of export processing zones as spaces of exception, have analyzed the ways that state policies and practices have configured border capitalist formations in Thailand and (re)produced spatially delimited populations of precarious migrant workers excluded from the full package of rights to which Thai workers are legally entitled. The contribution that I have, in turn, sought to make with *Border Capitalism, Disrupted* is to analyze the ways in which these spatialized regulatory practices are *reactive* measures, whereby state officials and capitalist employers maneuver to offset the persistently reemerging threat of labor unrest.

In coming to this argument, my analysis has been informed by *operaismo* (workerism), a tradition of theory and practice with roots in the mass factory strikes of mid-twentieth-century Italy. Capitalist development, the workerists argued at the time, followed from rather than preceded working-class struggle. Yet whereas the Italian workerists of the 1960s were almost single-mindedly concerned with large-scale factory strikes, I have expanded the analytical focus in this book to include struggles over migrant registration and mobility; migrants' regular engagements with, and evasions of, the police;

and everyday forms of workplace socialization—but, of course, mass worker strikes as well.

There is, however, an important critique of workerist analysis that points to its privileging of working-class struggle as the catalyst of capitalist transformation. Specifically, the question arises that if capital is able to continually recuperate working-class struggle, will working-class struggle not simply be "driving capital forward forever"?[5] If such were the case, working-class struggle would be complicit in the perpetual readaptation and restabilization of capitalism. This critique finds support in Mario Tronti's argument that, through trade union struggles in particular, "working-class demands can be nothing more than the reflection of capital's necessities. And yet capital cannot pose this necessity directly. . . . [It] must find ways to have its own needs put forward by its enemies, it must articulate its own movement via the organised movements of the workers."[6]

My response to this seeming paradox is not to claim the opposite—to claim, that is, that the story of labor regime transformation recounted in this book is unambiguously progressive for workers in its implications. Such a claim would be patently false, for the wages and working conditions of migrants factory workers in Mae Sot during the time of my research were on the whole *worse* than those of Thai garment factory workers employed in and around Bangkok two decades earlier, as Mary Beth Mills documented at that time.[7] And yet, capitalist recuperation is always an ambivalent process, whereby contradiction is embraced, as it were, within the bosom of capital. New hegemonic efforts that seek to (partially) incorporate working-class demands into the state regulation of capitalist production remain fraught—unable to fully deliver on promises made, and unable to contain those working-class demands so incorporated. The outcome, consequently, is inherent *instability*, not inevitable restabilization. And it is from within this instability that conditions of possibility may emerge for more far-reaching transformation.

Emergent Possibilities

In considering the expansion since the 1990s of militant factory strikes in China's "sunbelt"—that strip of export processing zones in Guangdong Province—Ching Kwan Lee asks why these actions have remained limited

to isolated workplace struggles—"cellular activism," as she calls it—instead of scaling up into a more impactful regional or national movement.[8] While Lee answers her own question with an insightful analysis of China's "decentralized legal authoritarianism," my concern here is rather with the implied privileging of a unified, scaled-up movement over a multiplicity of autonomous, dispersed, and even everyday working-class struggles. Such a position recalls Frederic Deyo's argument that isolated workplace actions across East and Southeast Asia, particularly when enacted outside of formal trade unions, "have rarely brought enduring gains for workers."[9]

My intention is not to flip the scales to claim that a multiplicity of decentralized struggles are necessarily more effective at achieving gains for the workers involved than would be a unified, collective movement. I do, however, want to argue in favor of recognizing the cumulative impacts of such multiplicities of struggles. Such a recognition opens up for analysis the ways in which even seemingly "fragmented" working-class struggles might contest the present order of things in spite of, or even because of, flexible and precarious employment conditions. In close affinity, Eli Friedman—in considering Lee's work in particular—has argued for viewing such decentralized struggles in the aggregate.[10] But whereas Friedman argues for considering the aggregate to get at an underlying political logic, I argue for considering the aggregate to make sense of structural (here, regulatory) change, particularly at the scale of the industrial zone.

The case I am making for valuing the autonomous, the decentralized and, indeed, the particular within instances of working-class struggle speaks also to calls for a "universal" perspective within anticapitalist struggle. There is a position within certain strands of Marxist thinking that views the particular rather patronizingly—as that which is to be transcended, or at least scaled up in a necessary shift to a more universal outlook. A prominent example of this argument would be David Harvey's critical reflections on "militant particularism"—a concept he adopts from Raymond Williams.[11] For Williams, militant particularism referred to the embeddedness of working-class struggles in particular geographical sites and in particular, locally shared concerns. In lamenting the limits of such isolated working-class struggles, Harvey has argued that when militant particularism fails to scale up to a universal "global ambition," it retains what are ultimately conservative tendencies, which risk devolving into a politics that is "nationalistic, exclusionary, and in some cases violently fascistic."[12]

It is, of course, possible that workers engaged in an otherwise commendable struggle against exploitative employment relations and despotic management practices might retain exclusionary, and even reactionary, views toward their self-perceived others—however such others are categorized. Indeed, concerns over such developments became especially salient at the time of my research when, alongside a wave of factory strikes at several industrial zones in Myanmar, a rise in anti-Muslim agitation led to outright pogroms of Muslims in the country by members of Myanmar's Buddhist majority. In Mae Sot, too, attempts to build organizational links between Myanmar migrants and Thai trade unions have (as has been noted in chapter 5) so far floundered, in large part due to xenophobic attitudes toward migrants in Thailand—and toward Myanmar migrants in particular—among sections of the Thai labor movement.

Such concerns notwithstanding, I have argued in this book for a recognition of the transformative potential of a multiplicity of otherwise particularistic struggles outside of larger, scaled-up organizational forms. While there can be advantages to such scaled-up forms, it is not always and not inevitably the case. More to the point, a universal political project is not a necessary precondition for effecting structural change. Nor, for that matter, is it a prerequisite to broad solidarity and the coordination of diverse struggles. In any case, autonomous, decentralized, and *particular* working-class struggles around the world have persisted in all of their multiplicity to contest and disrupt geographically specific capitalist formations in ways that suggest new possibilities for structural change at a global level.

Postscript

On May 22, 2014, the Royal Thai Armed Forces, led by General Prayuth Chan-ocha, launched a coup d'état against then prime minster Yingluck Shinawatra—dissolving the senate, imposing martial law, and banning all political gatherings. This was the country's twelfth such coup since 1932, the year that Thailand transitioned from an absolute to a constitutional monarchy. Vowing to restore order to a country racked by political turmoil—between "red shirt" supporters of previously ousted prime minister Thaksin Shinawatra, older brother of Yingluck, and "yellow shirt" supporters of the bureaucratic-military-palace establishment—General Prayuth immediately latched on to the migrant "problem" as a threat to national security. Significantly, as was noted in chapter 3 of the present volume, it had been Thaksin—pro-business in his policies and himself among the country's wealthiest business tycoons—who had in 2001 initiated the country's first systematic migrant registration scheme, thereby facilitating the employment of migrant labor in Thailand. Perhaps Prayuth saw in a speedy resolution to the migrant "problem" a way to garner, from nationalist employment advocates

and the more xenophobic segments of the Thai citizenry, some quick popular legitimacy for the National Council for Peace and Order (NCPO), the military junta newly set up to govern the country. Or perhaps he simply wanted to distance himself from the Thaksin-era approach to formal migrant regulation.

Whatever his motivations, on May 30, 2014, General Prayuth announced that the NCPO would promptly move forward on long-delayed plans to establish Special Economic Zones (SEZs) at various spots in Thailand, beginning most immediately with Mae Sot. Prayuth's stated aim for this project was to "prevent illegal migrants from crossing into inner provinces of Thailand."[1] And truly, as declared, the process quickly got underway: on June 2, the Thai Army's Fourth Infantry Regiment Task Force met with the mayor of Mae Sot as the first step in coordinating the establishment of the Mae Sot SEZ.[2] A few days later, Prayuth elaborated upon his plans for restructuring migrant labor regulation along the border:

> Cooperation between military and people along the border areas will be enhanced [and] the establishment of factories and the control of daily, seasonal and yearly labor along the border areas should be looked into. . . . As for the establishment of factories at border areas and labor control, these are necessary in order to create job opportunities in rural areas. Otherwise people will travel to Bangkok and major cities to find work, exacerbating problems such as drug trafficking, illegal immigration and crimes. These pose security problems in the short and long term.[3]

With this rather loose agenda in place, the NCPO established its Committee on Solving Migrant Problems on June 10, and then announced that undocumented migrants in Thailand would soon be arrested and deported.[4] According to broadcasts on Thai government channels at the time, the planned deportation of undocumented migrants was to be part of an "environmental cleansing" operation that aimed to build a "pleasant society."[5] Fearing violent enforcement of this threat of deportation, an estimated 170,000 undocumented Cambodian migrants who had been residing in Thailand soon fled the country.[6] The actual arrest and deportation of Myanmar migrants in Mae Sot, however, was far less extensive. On June 7 the Democratic Voice of Burma media organization reported that Thai authorities in Mae Sot had recently arrested and deported 163 undocumented

Myanmar migrants—a tiny fraction of the area's actual undocumented migrant population.[7] And by June 16 the NCPO was officially denying that it had ever had a policy for the mass deportation of undocumented migrants in the country.[8] Much like the many previous threats of mass deportation, the reality on the ground in Mae Sot belied official pronouncements coming from Bangkok—which were, in any case, soon rescinded.

As one observer noted at the time, "a major objective of the NCPO is to more effectively restrict the movement of migrants, thereby suppressing wage inflation to maintain the global competitiveness of border industries such as agriculture, garments and textiles."[9] As I have argued throughout this book, however, wage growth on the border and the migrant exodus from Mae Sot were themselves aspects of migrant workers' struggles against the particular forms of regulation they confronted along the border. In any case, the new military junta, much like its elected predecessor, appeared to be caught between the conflicting demands of containing wage growth and migrant mobility on the border and facilitating the employment of low-wage migrants by employers in central Thailand. As a consequence, the military government soon announced that not only would undocumented migrants not be deported en masse but a new migrant registration scheme would be launched in Thailand on June 30.

Yet, as an interim measure, the NCPO's new scheme required that all undocumented migrants register for temporary migrant identification cards (colloquially termed "pink cards") in lieu of the migrant passports that had been provided through the precoup nationality verification process. While Thai authorities would continue to recognize previously issued migrant passports, at least until they expired, the new pink card system would only permit migrants registering postcoup to reside and work in Thailand, but not to travel. As a result, with the legal route to higher-paying jobs in central Thailand effectively blocked, migrants I knew in Bangkok informed me that human smuggling from the border to central Thailand began to increase following the 2014 coup. Moreover, migrants remaining in Mae Sot reported that the ongoing petty police extortion that they had long faced jumped following the coup—typically from one hundred baht to five hundred baht for those holding pink cards.[10] And while the pink cards were initially supposed to be a temporary measure, the Thai government repeatedly delayed the passport registration process that was to follow for pink card holders. Finally, in February 2016, the Thai cabinet declared that *all* migrants,

including those holding previously issued migrant passports and work permits, would have to move onto the temporary and semilegal pink-card migrant registration system.[11]

These changes in the migrant registration process played out alongside preparations for the Mae Sot SEZ, which was set to officially open at the start of 2016. Once up and running, the SEZ would provide exemptions from certain state-level administrative controls and labor regulations and allow for nonstandard arrangements in the import and employment of migrant workers. More broadly, Nakhon Silpa-archa, secretary of the Thai Ministry of Labor, announced in June 2015 that the policy establishing a national minimum wage of three hundred baht per day—a prominent initiative and election promise introduced by deposed prime minister Yingluck Shinawatra—would be abrogated at the end of the year, paving the way for variable provincial rates to be reintroduced at the end of 2016.

When the government announced the new rates in October 2016—with increases of 5–10 baht, depending on the province—one Thai labor activist decried the meager scale of the increments as "abominable" and "an insult to the Thai working class."[12] Given the new provincial discrepancies, the chair of the Thai Labor Solidarity Committee further argued that the changes "brought about nothing but confusion as to why some provinces did not get the same wage hike even though they are in the same economic zone."[13] For example, Tak Province, where Mae Sot is located, was included in a group of provinces that saw the lowest increase, with the minimum wage raised a mere 5 baht, to 305 baht per day. Despite the official increase, however, Mae Sot's migrants have on the whole not—by mid-2017, as this book was going to press—realized the new rates. And they are unlikely to do so without a struggle. The forms, however, in which this struggle takes, will be shaped by the particularities of precarious labor in Mae Sot—the particular ways, that is, in which migrants have here been regulated, and the particular conditions under which they have, at this site, come to work and live.

Notes

Introduction

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3. Schearf, "Thailand Urged to Extend."

4. David Harvey, *The Condition of Postmodernity: An Enquiry into the Origins of Cultural Change* (Cambridge, MA: Blackwell, 1989), 141–72.

5. Antonio Gramsci, *Selections from the Prison Notebooks*, ed. and trans. Quintin Hoare and Geoffrey Nowell Smith (New York: International, 1971), 310–13.

6. Frederic Deyo, *Reforming Asian Labor Systems: Economic Tensions and Worker Dissent* (Ithaca, NY: Cornell University Press, 2012), 131.

7. Michael Burawoy, *The Politics of Production: Factory Regimes under Capitalism and Socialism* (London: Verso, 1985), 122.

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21. For a further discussion of this distinction between precarious work and a more generalized situation of precarity, see Dennis Arnold and Joseph Bongiovi, "Precarious, Informalizing and Flexible Work: Transforming Concepts and Understandings," *American Behavioral Scientist* 57, no. 3 (2012): 289–308.

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26. Arnold and Bongiovi, "Precarious," 303.

27. Lee and Kofman, "The Politics of Precarity," similarly make use of the term "politics of precarity" in their reflections on insecurity in the Global South. My own use of this term differs from that of Lee and Kofman (who examine state policy and social movements) in that I focus primarily on an everyday form of interactional politics.

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41. See Mary Beth Mills, *Thai Women in the Global Labor Force: Consuming Desires, Contested Selves* (New Brunswick, NJ: Rutgers University Press, 1999).

42. See, for example, Deyo, *Reforming Asian Labor Systems*; Arnold and Pickles, "Global Work"; and Hewison and Woradul, "Thailand and Precarious Work."

43. For an analysis that couples precarious labor with deindustrialization, see Standing, *The Precariat*, 27.

44. Deyo, *Reforming Asian Labor Systems*, 63–93.

45. Kevin Hewison and Woradul, "Thailand and Precarious Work," 454.

46. Deyo, *Reforming Asian Labor Systems*, 63–93.

47. Arnold and Pickles, "Global Work"; Pitch, "Border Partial Citizenship."

48. Pitch, "Border Partial Citizenship," 466–71.

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1. Producing the Border

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6. See Lila Abu-Lughod, "The Romance of Resistance: Tracing Transformations of Power through Bedouin Women," *American Ethnologist* 17, no. 1 (1990): 41–55; Vena Das and Deborah Poole Das, "Introduction: State and Its Margins: Comparative Ethnographies," in *Anthropology on the Margins of the State*, ed. Veena Das and Deborah Poole (Santa Fe: SAR Press, 2004); Sherry B. Ortner, "Resistance and the Problem of Ethnographic Refusal," *Comparative Studies in Society and History* 37, no.1 (2005): 173–93; and Saba Mahmood, *Politics of Piety: The Islamic Revival and the Feminist Subject* (Princeton, NJ: Princeton University Press, 2006).

7. For an earlier version of this argument, drawing on a different case study, see Campbell, "Solidarity Formations under Flexibilisation."

8. David Harvey, "Neoliberalism as Creative Destruction," *Annals of the American Academy of Political and Social Science* 610, no. 1 (2007): 32–34.

9. Immanuel Ness, *New Forms of Worker Organization: The Syndicalist and Autonomist Restoration of Class Struggle Unionism* (Oakland, CA: PM Press, 2014); Immanuel Ness, *Southern Insurgency: The Coming of the Global Working Class* (London: Pluto, 2016).

10. Part of this case study was previously published in Stephen Campbell, "Anatomy of a Burmese Workers' Strike in Thailand," *Mizzima News*, May 13, 2012.

11. Brown, *Labour, Politics, and the State*, 77.

12. Ibid., 125.

13. Hewison and Woradul, "Thailand and Precarious Work," 462.

14. Deyo, *Reforming Asian Labor Systems*, 143.

15. Arnold and Hewison, "Exploitation in Global Supply Chains," 334–35.

16. Mills, *Thai Women*, 119.

17. The workers felt that, given the early 8:00 A.M. start to the morning shift, clocking in to work on time should be recognized with an additional 20 baht payment. There was, however, no precedent in Mae Sot for this practice.

18. The official English-language edition of the 1975 LRA translates the Thai word *phu-taen* as "representative," though the word is also translatable as "delegate." I have chosen instead to use "delegate" to better convey the sense understood by the migrants involved in this case—that is, that those selected for this role are not mandated to represent their fellow workers with significant discretionary powers but are instead mandated only to convey demands previously decided on collectively by all

the workers. For a discussion of the distinction between representatives and delegates in the context of labor organizing, see Solidarity Federation, *Fighting for Ourselves: Anarcho-syndicalism and the Class Struggle* (London: Solidarity Federation and Freedom Press, 2012).

19. Brown, *Labour, Politics, and the State*, 77.

20. See, for example, International Trade Union Confederation, "Annual Survey of Violations of Trade Union Rights—Thailand," June 6, 2012, accessed March 14, 2017, http://www.refworld.org/docid/4fd8892023.html.

21. For a similar argument concerning the restrictive practices of union officials in the U.S. context, see Martin Glaberman, *Punching Out and Other Writings*, ed. Staughton Lynd (Chicago: Kerr, 2002).

22. See Campbell, "Cross-Ethnic Labour Solidarities"; and Campbell, "Solidarity Formations under Flexibilisation."

23. Mills, *Thai Women*, 119.

24. Brown, *Labour, Politics, and the State*, 104–5; and Pasuk and Baker, *Thailand's Boom and Bust*, 138.

25. Deyo, *Reforming Asian Labor Systems*, 147.

26. Solidarity Federation, *Fighting for Ourselves*.

27. An account of the M-Apparel strike can be found in Campbell, "Solidarity Formations under Flexibilisation."

28. This is a strategy I have seen myself following the relatively successful M-Apparel strike in May–June 2013. Although the majority of workers in that case took the minimum wage, left the dormitory, and moved into rental units outside the factory complex, within three months all of those workers either quit, were fired, or chose to return to the dormitory at reduced wages in order to put an end to employer harassment and/or to regain de facto immigration protection. See Campbell, "Solidarity Formations under Flexibilisation."

29. Mary Beth Mills, "From Nimble Fingers to Raised Fists: Women and Labor Activism in globalizing Thailand," *Signs* 31, no. 1 (2005): 126; brackets in the original.

30. Jo Freeman, "The Tyranny of Structurelessness," *Second Wave* 2, no. 1 (1972): 20–25.

Conclusion

1. See Ishita Dey and Giorgio Grappi, "Beyond Zoning: India's Corridors of 'Development' and New Frontiers of Capital," *South Atlantic Quarterly* 114, no. 1 (2015): 153–70; and Dennis Arnold, "Border Zones, Migrant Labor and Critical Regionalism in Mekong Asia," unpublished manuscript, 2016.

2. For the seminal argument along these lines, see Mezzadra and Neilson, *Border as Method*.

3. Corrigan and Sayer, *The Great Arch*, 189.

4. See Pitch, "Border Partial Citizenship"; and Arnold, "Administration, Border Zones and Spatial Practices."

5. "From Operaismo to Autonomist Marxism," *Aufheben* 11 (2003), accessed March 13, 2017, http://libcom.org/library/operaismo-autonomist-marxism-aufheben-11.

6. Mario Tronti, "The Strategy of Refusal," July 23, 2005, accessed March 13, 2017, https://libcom.org/library/strategy-refusal-mario-tronti.

7. Mills, *Thai Women*, 119.

8. Ching Kwan Lee, *Against the Law: Labor Protests in China's Rustbelt and Sunbelt* (Berkeley: University of California Press, 2007), 9.

9. Deyo, "South-East Asian Industrial Labour," 291.

10. Eli Friedman, *Insurgency Trap: Labor Politics in Postsocialist China* (Ithaca, NY: Cornell University Press, 2014), 19.

11. David Harvey, *Justice, Nature and the Geography of Difference* (Malden, MA: Blackwell, 1996); Raymond Williams, *Resources of Hope: Culture, Democracy, Socialism* (London: Verso, 1989).

12. Harvey, *Justice, Nature and the Geography of Difference*, 171.

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2. Charlie Thame, "Ominous Signs for Migrant Workers in Thailand," *New Mandala*, June 15, 2014, accessed May 31, 2016, http://asiapacific.anu.edu.au/newmandala/2014/06/15/ominous-signs-for-migrant-workers-in-thailand/.

3. Thai Ministry of Foreign Affairs, "Unofficial Translation: National Broadcast by General Prayut Chan-o-cha Head of the National Council for Peace and Order," June 6, 2014, accessed May 31, 2016, http://www.mfa.go.th/main/en/media-center/3756/46368-Unofficial-translation-National-Broadcast-by-Gener.html.

4. Agence France-Presse, "Thai Junta Vows to Arrest Illegal Migrant Workers," June 11, 2014, accessed May 31, 2016, http://www.mekongmigration.org/?p=2525.

5. Thame, "Ominous Signs."

6. Zachery Keck, "170,000 Panicked Cambodians Flee Thailand," *Diplomat*, June 17, 2014, accessed May 31, 2016, http://thediplomat.com/2014/06/170000-panicked-cambodians-flee-thailand/.

7. Democratic Voice of Burma, "Thais Crack Down on Illegal Burmese Migrants," June 7, 2014, accessed May 31, 2016, http://www.mekongmigration.org/?p=2316.

8. "Thailand Says No Policy to 'Sweep and Clean' Illegal Migrants," Thomson Reuters Foundation, June 16, 2014, accessed March 13, 2017, http://uk.reuters.com/article/uk-thailand-politics-idUKKBN0ER0MQ20140616.

9. Thame, "Ominous Signs."

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